

# EXHIBIT 31



**KENTUCKIANA**  
— COURT REPORTERS —

**CASE NO. 20-cv-04768**

**JAMES FLETCHER JR.**

**V.**

**JEROME BOGUCKI, ET AL.**

**DEPONENT:**

**EDWARD COOPER**

**DATE:**

**April 28, 2023**



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**powerhouse**

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF ILLINOIS  
3 EASTERN DIVISION  
4 JUDGE ANDREA WOOD  
5 MAGISTRATE JUDGE MARIA VALDEZ  
6 CASE NO. 20-cv-04768  
7

8 JAMES FLETCHER JR.,  
9 Plaintiff  
10

11 V.  
12

13 JEROME BOGUCKI, ANTHONY  
14 NORADIN, RAYMOND SCHALK,  
15 ANTHONY WOJCIK, UNKNOWN CITY  
16 OF CHICAGO POLICE OFFICERS, AND THE  
17 CITY OF CHICAGO,  
18 Defendants  
19  
20  
21  
22

23 DEPONENT: EDWARD COOPER  
24 DATE: APRIL 28, 2023  
25 REPORTER: KRYSTAL BARNES

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## STIPULATION

The VIDEO deposition of EDWARD COOPER was taken at LOEVY & LOEVY, 311 NORTH ABERDEEN STREET, THIRD FLOOR, CHICAGO, ILLINOIS 60607, via videoconference in which some parties attended remotely, on FRIDAY the 28TH day of APRIL 2023 at 11:02 a.m.(CT); said deposition was taken pursuant to the FEDERAL Rules of Civil Procedure.

It is agreed that KRYSTAL BARNES, being a Notary Public and Court Reporter for the State of ILLINOIS, may swear the witness.



## PROCEEDINGS

THE VIDEOGRAPHER: All my devices are recording. My name is Brandon Rackowski. I'm the videographer today, and Krystal Barnes is the court reporter. Today is the 28th day of April 2023. The time is 11:02 a.m. We're at the offices of Loevy & Loevy, located at 311 North Aberdeen Street, Third Floor, Chicago, Illinois 60607, to take the deposition of Edward Cooper in the matter of James Fletcher, Junior v. Jerome Bogucki et al., pending in the United States District Court for the Northern District of Illinois, Eastern Division, case number 20-CV-04768. Will counsel please identify themselves for the record?

MR. STARR: Good morning. My name is Sean Starr. I represent plaintiff James Fletcher.

MR. STEFANICH: Brian Stefanich. I represent the defendants, Jerome Bogucki, Ray Schalk, Anthony Noradin, and Tony Wojcik.

MR. MICHALIK: Paul Michalik. I represent defendant City of Chicago.

THE VIDEOGRAPHER: Edward Cooper --

MS. BLAGG: Jennifer Blagg. I represent the plaintiff.

THE VIDEOGRAPHER: Edward Cooper, please raise

your right hand to be sworn in by the reporter.

THE REPORTER: Do you solemnly swear or affirm that the testimony you're about to give will be the truth, the whole truth, and nothing but the truth?

THE WITNESS: Yes.

THE REPORTER: Counsel may begin.

DIRECT EXAMINATION

BY MR. STARR:

Q. Good morning, Mr. Cooper.

A. Good morning.

Q. My name is Sean Starr and, as I mentioned, I am the attorney for the plaintiff, James Fletcher, in this case. Do you understand that, sir?

A. Yes.

Q. Okay. For the record, could you state and spell your name?

A. Edward Cooper, E-D-W-A-R-D C-O-O-P-E-R.

Q. All right. Let the record reflect this is the federal deposition of Edward Cooper taken pursuant to the notice in the rules of Federal Civil Procedure. Sir, we've met before, correct?

A. Yes.

Q. Okay. We met yesterday for the first time; is that correct?

A. Yes.

1 Q. Okay. And I spoke to you on the phone once or  
2 twice to try to schedule this deposition. Is that also  
3 correct?

4 A. That's correct.

5 Q. All right. The other folks that are here  
6 today are the court reporter, the videographer, and then  
7 as they represented themselves, they're the attorneys  
8 for the defendants, the City of Chicago and the  
9 individual police officers. You understand that?

10 A. Yes.

11 Q. Okay. Excellent. Mr. Cooper, where do you  
12 currently live?

13 A. 1435 North Luna, Chicago, Illinois 60651.

14 Q. Okay. And are you currently employed, sir?

15 A. No, I'm -- I'm retired.

16 Q. You're retired. Okay. Were you employed on  
17 December 21, 1990?

18 A. Yes.

19 Q. Where were you employed at on December 21,  
20 1990?

21 A. Holsum Bread Company.

22 Q. Okay. You said Holsum Bread Company?

23 A. Yeah.

24 Q. Okay. What was your job title at Holsum Bread  
25 Company?

1 A. Delivery man.

2 Q. Okay. And I'm going to ask questions and  
3 you're going to give answers. Let's try to give each  
4 other space to get the record straight so the court  
5 reporter can do her job, and not talk over one another,  
6 okay?

7 A. Okay.

8 Q. All right. Sir, other than your job at Holsum  
9 Bread, have you had any other employment in your life?

10 A. Yes.

11 Q. Okay. So prior to your job at Holsum Bread,  
12 what is your employment history?

13 A. A mechanic.

14 Q. You were a mechanic prior to 1990?

15 A. Right.

16 Q. Okay. And how long did you work for Holsum  
17 Bread Company, sir?

18 A. Just about five years.

19 Q. All right. When did you stop working for them  
20 approximately?

21 A. Right after -- about two weeks after this --  
22 this happened.

23 Q. Okay. So end of 1990, early 1991; is that  
24 correct?

25 A. That happened in 1990, so it's beginning of

19 -- yeah, beginning of 1991, about two weeks or so  
after that.

Q. Okay. So after Holsum Bread job, where did  
you work?

A. I started working for a milk company called  
Becker Milk.

Q. I'm sorry. Could you say that -- name of that  
company again?

A. It's Becker.

Q. Becker?

A. Yeah.

Q. Okay. And how long do you work for Becker  
Milk, sir?

A. I worked for them for about six years.

Q. Okay. And what was your job title for -- at  
Becker milk?

A. Delivery man.

Q. All right. And then after Becker Milk, where  
did you work, sir?

A. I worked for Prosperity Trucking Company.

Q. Okay. What did you do for Prosperity  
Trucking?

A. Truck driver, yeah.

Q. How long did you work for Prosperity Trucking,  
sir?

A. Little over 20 -- about 24 years.

Q. Okay. Did you retire from Prosperity Trucking, or did you have any other jobs after that?

A. I retired from there.

Q. All right. Sir, were you married in December of 1990?

A. Yes.

Q. What was your wife's name in 1990?

A. Gwennetta.

Q. Gwennetta. Are you still married to Gwennetta today?

A. Yes.

Q. Okay. When did you and Gwennetta get married?

A. In 1981.

Q. 1981. Okay. Do you and Gwennetta have any children, sir?

A. Yes.

Q. How many children?

A. Three.

Q. And what years were your children born in?

A. One was born in 1973, one -- one in 1976, and the other one was born in 1982.

Q. Okay. Sir, have you ever given a deposition of any kind before today?

A. No.

1 Q. All right. So there's a couple of ground  
2 rules I want to go over with you. One of them, I  
3 already noted for the record that we should try not to  
4 talk over one another. That's fair, correct?

5 A. Right. Right.

6 Q. Okay. So this is a question and answer  
7 session. I'm going to ask you questions and then you'll  
8 have an opportunity to give answers. Some of the  
9 questions may be yes or no questions. Some of the  
10 questions may be more narrative based. The other  
11 attorneys are going to also have an opportunity to ask  
12 you questions after I'm done; is that fair?

13 A. Yes.

14 Q. Okay. And the court reporter's going to write  
15 down everything we said, make a record of it. And that  
16 presents some challenges because, you know, in  
17 conversation, people interrupt one another, like we've  
18 already done today. They also use other cues to  
19 communicate like shrugs of the shoulders or shakes of  
20 the head. It's important for the record that you  
21 actually orally state your answers out loud, okay?

22 A. Yes.

23 Q. All right. And it's important that you speak  
24 up and speak clearly so we all understand what you're  
25 saying; is that fair?

A. Yes.

Q. Okay. Sir, do you have any medical conditions that would prevent you from being able to fully understand the questions I'm asking you?

A. No.

Q. Okay. Do you have any medical conditions that would prevent you from being truthful today?

A. No.

Q. Okay. Are you taking any medications that might affect your ability to understand the questions I ask you?

A. No.

Q. Okay. Are you taking any medications that may affect your ability to be truthful?

A. No.

Q. Okay. Do you have any issues that affect your memory, sir?

A. No.

Q. Okay. Are you taking any medications that might affect your memory?

A. No, I'm not.

Q. Excellent. All right. Sir, this case that we're here for today concerns events that took place on December 21, 1990. Where were you living at that time, sir?



A. 1435 North Luna.

Q. And is that the same address you gave me about your current address; is that correct?

A. Yes.

Q. Okay. So you were living in the same residence today that you were living in 1990; is that correct?

A. Correct.

Q. When did you begin living at that residence, sir?

A. In 1988.

Q. Okay. So 1988. So you've been there for a while; is that correct?

A. Yes.

Q. All right. Excellent. Sir, do you recall witnessing a shooting that occurred on December 21, 1990 in the early afternoon?

A. Yes.

Q. Where were you when that shooting occurred, sir?

A. Coming out of restaurant on Jack -- on -- on Madison and Central.

Q. You were coming out of a restaurant on --

A. Yeah.

Q. -- Madison and Central?

1 A. Yeah.

2 Q. Okay.

3 A. I made the delivery there.

4 Q. So you were working that day; is that correct?

5 A. Yes.

6 Q. And you were working for the bread company; is  
7 that correct?

8 A. Yes.

9 Q. Okay. So is it safe to say that you were  
10 delivering bread that day when this shooting happened?

11 A. Yes.

12 Q. Okay. Were you a victim of the shooting?

13 A. Yes.

14 Q. Okay. Can you tell me what happened on  
15 December 21, 1990?

16 A. Yes, sir. When I came out the restaurant, I  
17 had trays in my hand. I seen a guy that I knew from --  
18 that grewed up around, and I said -- his name was Terry  
19 Rogers. I said, hey, Terry. And he -- you know, he  
20 kind of pushed it -- put his head down. When he did  
21 that, one of the guys stuck a gun in my side, told me to  
22 step up on the truck. Then he said, you know what this  
23 is? I said -- I says, yeah, I know what it is. The  
24 other guy came and we stepped up on the truck inside the  
25 truck. They went through my pocket and got the money

1 out. And the other guy told him to say -- well, he --  
2 he got some more money. I said, well, I can't open the  
3 safe because I don't -- I have keys to the safe. He  
4 told the guy to go and shoot me. I had a gun on my back  
5 and I pulled out and we -- and we started shooting, and  
6 they start running. They ran down Madison east -- I  
7 mean, west on Madison. I'm chasing behind them,  
8 shooting -- we were shooting back and forth. And they  
9 turned right, I think it -- I can't -- I can't remember  
10 the name of the street, but then we went to Washington  
11 and we still chasing each -- I still chasing after them,  
12 went down on Washington, and I stopped and turned  
13 around, came back to the truck. And when I got back,  
14 the police and stuff, they came in.

15 Q. Okay. And so, it sounds like you were a  
16 victim of armed robbery; is that correct?

17 A. Yes.

18 Q. Okay.

19 A. Though lot of robberies had been going on in  
20 that area and that's when I start carrying a gun there.

21 Q. Okay. And thankfully you survived?

22 A. Yes.

23 Q. Was anyone killed that day, sir?

24 A. Yes.

25 Q. Do you know the name of the person that was

1 killed?

2 A. I can't remember his name. Yeah.

3 Q. Okay. If I told you that the victim in this  
4 case is a man by the name of Willie Sorrell, Junior,  
5 does that refresh your recollection?

6 A. Something like that. I kind of remember the  
7 name, but not really. No.

8 Q. Okay. And do you understand that Mr. Sorrell  
9 was tragically killed during that crime?

10 A. Yes.

11 Q. Correct?

12 A. Yes.

13 Q. Okay. All right. So it's fair to say that  
14 you saw the people that committed the crime?

15 A. Yes.

16 Q. Okay. And you said there was two of them,  
17 correct?

18 A. That is correct.

19 Q. And they both had guns; is that correct?

20 A. Yes, they did.

21 Q. Okay. And then given that you saw the  
22 offenders who committed the crime, did Chicago Police  
23 detectives ever ask you to try to identify the  
24 perpetrators?

25 A. Yes, they did.

1 Q. Okay. Did the Chicago Police detectives ever  
2 show you photos and ask you to try to identify the  
3 person that committed the crime?

4 A. Yes, they did.

5 Q. Okay. How many times did Chicago Police  
6 officers show you photos and he asked you to identify  
7 someone?

8 A. Only -- I really -- when it -- when it  
9 happened, they were showing me. I was looking through  
10 photos then, and then -- and it's 2000 -- I think around  
11 2002 --

12 Q. Okay.

13 A. -- if I'm not -- that's when they -- they came  
14 to my house and showed me some photos.

15 Q. Okay. So in 1990, when the incident happened,  
16 you, at some point, saw photos that the police showed  
17 you?

18 A. Yes.

19 Q. Okay. And where were you when you saw those  
20 photos?

21 A. At the police station.

22 Q. Okay. Were you able to identify anyone in  
23 those photos?

24 A. No, I wasn't.

25 Q. Okay. And then later on, the detectives

1 showed you photos in 2002. Is that your testimony?

2 A. Yes.

3 Q. Okay. And so, it was approximately 12 years  
4 after the shooting in 1990 that the police came to you  
5 in 2002 and showed you photos; is that correct?

6 A. That's correct.

7 Q. All right. Please tell me what happened when  
8 the Chicago Police detectives came to you to show you  
9 photos in 2002?

10 A. Well, they -- they came to the house. I  
11 can't -- it was kind of late when they -- I -- I can't  
12 remember what time it was, but it was kind of late when  
13 they came. And they didn't -- they didn't come into my  
14 house. They came in the hall and they -- they spread  
15 some photos on my -- on my steps. And he's asking me  
16 about the -- did I -- can I remember the guy, how he  
17 looked. I told him to -- I said, well, this has been  
18 over, like, 11 or 12 years or more. I said I can't --  
19 you know, I said features change. And that's when he  
20 told me -- he told -- asked me to look at the pictures.  
21 I looked at them. He said, you sure you don't -- I  
22 said, I can't recognize anybody in that picture right.  
23 So then he pointed to one of the guys that was on the  
24 step. I said -- and he told me that two people had  
25 already identified them -- him as the -- as the shooter.

1 I said, well, I -- I can't really -- I said, the only  
2 thing I looked like -- it looked like him by his lips.  
3 But I'm not -- you know, I said, I'm not 100 percent  
4 sure that's him or not, you know? And that's when he  
5 told me -- he said, look at his lips. I said, because  
6 his -- he said the lips don't change, and I looked. I  
7 said, well, that -- that -- that -- this -- that look  
8 just him -- the -- the lip -- the lip like him, but I  
9 said I'm still not 100 percent sure that's him or not,  
10 you know.

11 **Q. Okay. And so, let me just unpack that a**  
12 **little bit. So they showed you photos outside of your**  
13 **house on your front steps; is that correct?**

14 A. Yeah. Not -- well, we was in the hall. We  
15 got step -- I got steps that lead up to -- to my  
16 apartment on the first floor.

17 **Q. I'm sorry. Just so we're clear, so**

18 A. It -- it wasn't outside the house. It  
19 was, you know, not on the -- not on -- like, I don't  
20 have stairs in the front of my house. I got stairs that  
21 go -- once you come in the door, you go -- you go up the  
22 stairs to -- to enter my house.

23 **Q. Okay. So it was in the entranceway; is that**  
24 **correct?**

25 A. Yeah. Correct.

1 Q. Okay. That makes sense. Okay. And when they  
2 first showed you these photos, you told them that you  
3 couldn't recognize anyone; is that correct?

4 A. That's correct.

5 Q. Okay. And you told the police detectives in  
6 2002 when they first showed you the photos that you  
7 could not recognize anybody who committed the crime in  
8 1990, correct?

9 A. That's correct.

10 Q. Okay. And then one of the detectives pointed  
11 at one of the photographs and told you that that was the  
12 suspect?

13 A. Yeah. He pointed at the guy and showed me --  
14 that -- that look. I told him the guy had kind of big  
15 lip. He pointed at the guy. He told me the two other  
16 people had already identified him.

17 Q. Okay. So you mentioned that somebody said  
18 something about lips, so just so we're clear. One of  
19 the detectives pointed at a photograph and said that's  
20 the suspect; is that correct?

21 A. That's correct.

22 Q. Okay. And then he said, look at his lips?

23 A. Yeah, because I told -- I -- I had told them  
24 before that the guy, his lips was kind of big, you know?

25 Q. Okay.



A. Yeah.

Q. So you remember one of the suspects having big lips?

A. Yeah.

Q. And you told the detectives that?

A. Yes.

Q. And so, detectives pointed at the picture of an individual and said, he's the suspect?

A. Right.

Q. He has big lips?

A. Right.

Q. Okay. And then did he say anything else about the person that he pointed at?

A. He -- he told me that Terry Roger, the guy that I told you I had -- you know, that -- that he was there, had told them that that was -- that they gave his name, that -- that he was the guy that -- that had robbed me.

Q. Okay. So the police detectives in 2002, when they came out to show you photos, after they pointed at a photo, they told you that Terry Rogers had given them the name --

A. Right.

Q. -- of that individual; is that correct?

A. That's correct.

1 Q. Okay. And they also told you that two other  
2 people had identified and --

3 A. Had identified --

4 Q. The -- let me just finish my question.

5 A. Oh, I'm sorry.

6 Q. I don't mean to be rude. I don't want to --  
7 I'm not trying to be rude to you, but just so we're  
8 clear, so she can do her job. So the two detectives who  
9 came out to you in 2002 showed you photographs, and one  
10 of them pointed out a photograph and told you that two  
11 other people had previously identified the person in  
12 that photo?

13 A. Yes.

14 Q. Okay. And before the detective pointed to a  
15 photo and told you that that was the suspect, had you  
16 identified this person?

17 A. No.

18 Q. Okay. And then after the detective pointed at  
19 the photo and told you that that person was a suspect  
20 and that he had the same lips as the shooter and that  
21 two other people had identified this person, did you  
22 then agree to identify this person?

23 MR. STEFANICH: Objection to form.

24 MR. MICHALIK: Join.

25 BY MR. STARR:

1 Q. You can answer.

2 A. Yeah.

3 Q. Okay. And the person that you identified, the  
4 person that you pointed out in the photo array that you  
5 were shown by the police detectives in 2002, did you  
6 ever believe that this was a person that actually  
7 committed the crime?

8 A. I was, like, maybe about 50 percent sure  
9 because after he told me that Terry Rogers told -- I  
10 know he -- the -- I know the kind of lifestyle that he  
11 lived back then, that how he -- the things he was doing  
12 and the guys that he ran with. I kind of figured that  
13 that was the guy, you know.

14 Q. Okay. So because the police told you that  
15 Terry Rogers had given them this individual's name and  
16 because the police pointed him out and told you that he  
17 was the suspect, you believed that that was, in fact,  
18 the man that robbed you in 1990?

19 MR. STEFANICH: Objection. Form.

20 A. Yes, I did.

21 BY MR. STARR:

22 Q. Okay. If the detective had not pointed out  
23 that individual in that photo, would you have been able  
24 to identify anybody in that photo array?

25 MR. MICHALIK: Object to form.

A. No. No.

MR. MICHALIK: Calls for speculation.

BY MR. STARR:

Q. Before the detective pointed out that individual in the photo array, were you able to identify anybody in that photo array?

A. No.

Q. Would it be fair to say that you only agreed to identify the photo of who we know is now James Fletcher because the detective pointed out his photo and told you to identify him?

A. Yes.

Q. All right. At any point during this case did the police request that you come into the police station to view a lineup?

A. Yes.

Q. Okay. And did you in fact at some point view a lineup?

A. Yes, I did.

Q. Was that lineup conducted in early April of 2002?

A. Yes.

Q. Okay. And when you arrived at the police station before you viewed the lineup, did you speak to any police detectives?

1           A.     I spoke with one, but -- but he -- but he  
2     didn't -- he wasn't on the case. But he told me about  
3     that -- that he had arrested James Fletcher before  
4     about he had the same thing to do with -- with about  
5     robbery -- about robbery.

6           Q.     Okay. Before you viewed the lineup, you spoke  
7     to a detective who you don't think was working on this  
8     case; is that correct?

9           A.     Yes.

10          Q.     And that detective told you that he had  
11     previously arrested James Fletcher?

12          A.     Yes.

13          Q.     And what did he tell you that he had  
14     previously arrested James Fletcher for?

15          A.     He had -- he said it was down -- told me down  
16     in Cabrini-Green he had committed this -- robberies  
17     there and someone had got killed, you know.

18          Q.     Okay. So this is before you viewed the  
19     lineup, correct?

20          A.     Yes. Yes.

21          Q.     A detective came up to you and spoke to you  
22     and told you that he had previously arrested  
23     Mr. Fletcher, and that Mr. Fletcher had been arrested  
24     for a robbery in Cabrini-Green; is that correct?

25          A.     He said in Cabrini-Green area that -- that's

1 what he told me.

2 Q. Okay. Did he tell you anything else about  
3 that particular robbery in Cabrini-Green?

4 A. No. Just -- just he had let me know that  
5 somebody had got killed in that before.

6 Q. Okay. This detective approached you at the  
7 police station before you viewed the lineup, correct?

8 A. Correct.

9 Q. And did he ask you if you were here to view a  
10 lineup?

11 A. No. He -- no. He didn't ask -- we were  
12 just -- you know, I came in, we were just talking, you  
13 know. And he would tell -- and I -- and he asked me what  
14 I had done. I told him about James Fletcher. He told  
15 me he knew James Fletcher, you know.

16 Q. Okay. So he told you he knew James Fletcher  
17 and that James Fletcher had committed a similar crime  
18 prior to December of 1990; is that correct?

19 A. Correct.

20 Q. Okay. And then did you speak to the two  
21 detectives that came out to your house prior to viewing  
22 the lineup?

23 A. Yes.

24 Q. Okay. When you went to go view the lineup,  
25 the two detectives that were at your house were also at

1 the police station; is that correct?

2 A. Yes.

3 Q. Okay. And you spoke to them?

4 A. Yes, I did.

5 Q. Do you remember what their names are, sir?

6 A. No, I don't remember.

7 Q. Do the names Detective Bogucki and Detective  
8 Schalk ring any bells?

9 A. Detective Bogucki, but I don't -- I don't  
10 remember the others.

11 Q. Okay. So you recall the name Detective  
12 Bogucki; is that correct?

13 A. Yes.

14 Q. And you think that's the detective that came  
15 to your house in 2002?

16 A. Yes.

17 Q. And showed you the photo array?

18 A. Yes.

19 Q. Okay. Was Detective Bogucki the detective who  
20 pointed out the individual in the photo and said he was  
21 the suspect?

22 A. I can't remember -- recall which one of them  
23 did, but we -- we were standing in the hallway and I  
24 can't remember which one of them pointed him out.

25 Q. Okay. But it was one of the two detectives --

1 A. Right.

2 Q. -- either Detective Bogucki or the other  
3 detective that was with him who pointed at the photo and  
4 told you that was the suspect you should identify,  
5 correct?

6 A. Yes.

7 Q. Okay. And then you spoke to Detective Bogucki  
8 and the other detective when you went to the police  
9 station to view the lineup, correct?

10 A. Yes.

11 Q. Okay. And what did you talk about with the  
12 police -- with Detective Bogucki and the other detective  
13 before you viewed the lineup?

14 A. Just that, you know, he -- he telling me about  
15 they going to have a lineup and he tell me, just  
16 remember the -- the lips and stuff, you know.

17 Q. Okay. So he reminded you that the suspect  
18 that you had identified at your house had big lips; is  
19 that correct?

20 A. Right.

21 Q. Did he show you the photos again?

22 A. No, I -- I don't -- I can't remember whether  
23 he showed me the photos again or not. I'm not for sure.  
24 It's like -- like I said, it's like 20-something years  
25 ago. I am not for sure on that.



1 Q. Okay. So he may have showed you the photos at  
2 the police station before you viewed the lineup.

3 A. Right.

4 Q. You just can't recall; is that correct?

5 A. I don't -- I can't recall.

6 Q. Okay. But you do recall that the Detective  
7 Bogucki or the other detective told you to remember that  
8 the suspect had big lips; is that correct?

9 A. That's correct.

10 MR. STEFANICH: Objection. Form.

11 BY MR. STARR:

12 Q. Did Detectives Bogucki and the other detective  
13 say anything else to you before you viewed the lineup?

14 A. No, they just -- I -- I can't -- at this time,  
15 I -- now I -- I can't remember everything that, you  
16 know, happened right then, you know, in -- at the police  
17 station. No, I don't remember if they did say anything  
18 else or not, you know.

19 Q. Okay. That's fair. It's been a number of  
20 years. I don't expect you to remember everything that  
21 happened. But you do recall going to the police station  
22 to view a lineup, correct?

23 A. Yes, I do.

24 Q. And you do recall talking to another detective  
25 who had never spoken to before you viewed that lineup,

1 correct?

2 A. That's correct.

3 Q. And that detective told you the name James  
4 Fletcher; is that correct?

5 A. That's correct.

6 Q. And he told you that James Fletcher had been  
7 previously arrested for a similar robbery that involved  
8 somebody dying; is that correct?

9 A. That is correct.

10 Q. Okay. Do you know what that detective's name  
11 is?

12 A. No, I don't.

13 Q. Do you remember what that detective looked  
14 like?

15 A. He was male, Black, like, probably maybe about  
16 5'11" or so -- you know.

17 Q. Okay.

18 A. Other than that, I -- I don't remember.

19 Q. Okay. And then the two detectives that came  
20 out your house, do you remember what they looked like?

21 A. Male, white.

22 Q. Okay.

23 A. And looked like he in the late 40s or so, but  
24 you know --

25 Q. Okay.

1 A. -- I'm not sure.

2 Q. And after speaking to that first detective,  
3 you then, before you viewed the lineup, also spoke to  
4 Detectives Bogucki and Schalk, correct?

5 A. Yes.

6 Q. Okay. And when you spoke to the Detectives  
7 Bogucki and Schalk, they reminded you what the suspect  
8 looked like; is that correct?

9 MR. STEFANICH: Objection. Form.

10 MR. MICHALIK: Objection. Form.

11 A. Yes, they did. Told me about the -- his lips.  
12 Yes.

13 BY MR. STARR:

14 Q. Okay. They specifically told you to remember  
15 that the suspect had big lips, correct?

16 A. That's correct.

17 Q. Okay. Did you then in fact view a lineup?

18 A. Yes.

19 Q. Okay. And during the lineup, did you then  
20 identify that same man that was in the photo?

21 A. Yes, I did.

22 Q. Okay. Would you say that your identification  
23 of Mr. Fletcher in the police lineup at the police  
24 station was a false identification?

25 MR. MICHALIK: Objection. Form.

1           A.     Yeah.  That -- like I said, I was only, like,  
2     about 50 percent sure or not -- was that him or not.

3     BY MR. STARR:

4           Q.     Okay.  But you identified the guy that the  
5     Detective Bogucki and Schalk pointed out, correct?

6           A.     Yeah.  Yes, I did.

7           Q.     And you identified the guy that Detective  
8     Bogucki and Schalk instructed you to identify in the  
9     lineup, correct?

10          MR. MICHALIK:  Objection.  Form.

11          MR. STEFANICH:  Objection.

12          A.     Yes, I did.

13     BY MR. STARR:

14          Q.     Okay.  Later on, you testified at James  
15     Fletcher's criminal trial and you identified him as the  
16     person that robbed you in December of 1990, correct?

17          A.     Yes.

18          Q.     Okay.  Why did you testify that James Fletcher  
19     robbed you during his criminal trial?

20          A.     I -- I -- I just believe that was him at  
21     the -- after -- after I talked to Terry's brother --  
22     after me and Terry Roger's brother rolled up together,  
23     he told me that Terry told him that that was the guy.

24          Q.     Okay.

25          A.     And I -- and I kind of believe that was him.

1 Yeah.

2 Q. Okay. So you identified James Fletcher during  
3 his criminal trial as the person who robbed you because  
4 you had spoken to Terry Roger's brother; is that  
5 correct?

6 A. That's correct.

7 Q. And what did Terry Roger's brother tell you?

8 A. He told me that Terry told him that that was  
9 the guy.

10 Q. Okay.

11 A. And I told him that I thought Terry was -- was  
12 in on it with him, you know, because during that time he  
13 was on drugs and stuff. I knew -- I knew all of it, and  
14 I knew he was out robbing people at that time, too.

15 Q. Terry Rogers?

16 A. Yeah. Terry Rogers was, and I thought he was,  
17 like, more like a lookout man for them. But when I --  
18 like I said, when I came out, I -- I said, hey, Terry,  
19 what you doing here? He dropped his head down and  
20 looked down -- that's when the guy got stuck his -- the  
21 gun in -- in my side and the other one had the gun on  
22 me.

23 Q. Okay. Did the fact that Detectives Bogucki  
24 and Schalk pointed out Mr. Fletcher's photo and told you  
25 that he was the suspect, did that influence your

1 identification of Mr. Fletcher during his criminal  
2 trial?

3 MR. STEFANICH: Objection. Form.

4 A. Yes, it did.

5 BY MR. STARR:

6 Q. How did that influence your identification of  
7 Mr. Fletcher during his criminal trial?

8 A. Because I -- I was looking at the -- it -- I  
9 remember the lips because I -- I couldn't -- when he was  
10 talking to me, when he had the gun on me, you know. And  
11 he was the one who told the other guy to go and shoot  
12 me, you know -- know. And I connect his, just -- just  
13 with his -- just what's the features, you know, some of  
14 the features that he had at that time, you know.

15 Q. Okay. Did the fact that the police told you  
16 that Mr. Fletcher was the suspect influence your  
17 decision to identify him in court?

18 A. Yes.

19 Q. Okay.

20 A. And also after they told me that Terry Rogers  
21 had told him that he -- he was the guy.

22 Q. Okay. So let me ask that. Did the fact that  
23 the Detective Bogucki and Schalk told you that Terry  
24 Rogers had identified Mr. Fletcher influence your  
25 decision to implicate him in court?

MR. STEFANICH: Objection. Form.

A. Yes.

BY MR. STARR:

Q. Let me rephrase that. That was poorly phrased question. Did the fact that Detectives Bogucki and Schalk told you that Terry Rogers had given them the name, James Fletcher, influenced the reason why you identified James Fletcher during the criminal trial?

MR. STEFANICH: Objection. Form.

A. Yes.

BY MR. STARR:

Q. Did the fact that Detectives Bogucki and Schalk told you that two other people had previously identified Mr. Fletcher before you saw those photos influence your decision to identify Mr. Fletcher at the criminal trial?

MR. STEFANICH: Objection. Form.

A. Yes, sir.

BY MR. STARR:

Q. Do you feel like the police manipulated you?

A. In such a way, because that -- I was going by -- during that time I was going by -- because, like I told them, the guy had like a little long hair and -- and -- and the weight and the height of him and everything, you know. And from the -- the photo, it --

1 it, you know, now looking at the lips and stuff, that  
2 kind of remind me of him, you know.

3 Q. Okay. So the photograph that the police  
4 showed you, the man's lips looked similar to the lips  
5 that you remember; is that correct?

6 A. That's correct.

7 Q. But before you discussed the photograph and  
8 the lips with the police, you told the police that you  
9 couldn't identify any of the photos, right?

10 A. No, I couldn't identify the photos. No.

11 Q. And you told the police that, correct?

12 A. I did.

13 Q. Okay. And it was only after the police  
14 pointed to the man's lips and said, look at his lips.  
15 He's got the same lips as the man that robbed you, that  
16 you -- that you started to think that they looked  
17 similar, correct?

18 MR. STEFANICH: Objection. Form.

19 A. That's correct. And that -- and he also told  
20 me that the two other people had took -- had already  
21 pointed him out.

22 BY MR. STARR:

23 Q. Okay. And so, was it the fact that Detectives  
24 Bogucki and Schalk pointed out that the man had big lips  
25 and told you that the suspect had big lips, is that



1 something that influenced your decision to identify him?

2 MR. STEFANICH: Objection. Form.

3 A. Yes, it did.

4 BY MR. STARR:

5 Q. And did the fact that Detective Bogucki and  
6 Schalk Shaw told you that two other people had  
7 previously identified the man in the photo influence  
8 your decision to pick the man out of the photo?

9 MR. STEFANICH: Objection. Form.

10 A. Yes, it did, and also that they told me that  
11 Terry Rogers had told -- was the one that told them.  
12 That's what really had me thinking that was him, yeah,  
13 because they told me Terry Rogers was the one that told  
14 them that he was the -- the one that -- that done it --

15 BY MR. STARR:

16 Q. Okay. Do you feel like the Detective Bogucki  
17 and Schalk convinced you that the man in the photo that  
18 you identified was the man who robbed you?

19 MR. STEFANICH: Objection. Form.

20 A. Yes.

21 BY MR. STARR:

22 Q. Okay. Sir, I think you already testified  
23 this. You saw the two men that robbed you, correct?

24 A. Yes.

25 Q. Okay. And can you give me the description, as

1    **you remember them today, of the two men?**

2           A.    That I told them -- from what I remember, I  
3    told them, like, between I think -- I told them, like,  
4    between 5'9", 6', between 180 to 200 pounds. And I told  
5    them one that -- I told them they were dark -- both of  
6    them were dark-skinned, but one them had the long hair  
7    and the other one had -- had kind not as long as the  
8    other one, though.

9           **Q.    Okay. One had long hair and one head long**  
10   **hair, but not as long as the other?**

11          A.    Right. No, I told them one -- I think I told  
12    them one of them was black. I know I told them one was  
13    black between 5'9" and -- and -- and 6', and the other  
14    one, like about maybe around 5'10" or so, you know.

15          **Q.    Okay. And then what about the hair? You said**  
16   **that one of them had long hair?**

17          A.    Yes.

18          **Q.    How long was the hair?**

19          A.    Not -- just collar, you know, length, you  
20    know.

21          **Q.    Okay.**

22          A.    The -- the Jheri curl stuff, you know, stuff  
23    like that -- the, you know.

24          **Q.    Okay. So the way that you remember it, one of**  
25   **the men had shoulder-length, Jheri-curled hair; is that**

1 correct?

2 A. Yeah, correct.

3 Q. Okay. And what was the other man's hair like?

4 A. It was not too long, but it's kind of long,  
5 but, you know, like a -- a natural length. Yeah.

6 Q. Okay. Did the other man have a ponytail?

7 A. Yeah, one -- yeah, what -- that's the -- has  
8 the ponytail. Yeah.

9 Q. Okay. The one with the natural hair had a  
10 ponytail?

11 A. Yeah. Right.

12 Q. And then with the Jheri curl just had hair to  
13 his shoulder?

14 A. Well, like his hair would like going back  
15 toward like a ponytail too, though.

16 Q. Okay. All right. And did you tell the police  
17 anything about the either of the suspect's lips in  
18 1990?

19 A. Yes, I did.

20 Q. What did -- what did you tell --

21 A. I -- I told them that -- that kind of big --  
22 big back then.

23 Q. Okay. So you recall telling the police in  
24 1990 when this first happened, that one of the suspects  
25 had big lips?

1 A. Yes.

2 Q. Okay. Do you recall approximately how many  
3 shots were fired on December 21, 1990?

4 A. Not -- I can't remember that whole thing.

5 Q. Okay. Do you recall hearing more than one  
6 shot?

7 A. It was -- it was between -- it was more than  
8 five shots was fired.

9 Q. Okay. And you're aware now that a man named  
10 Willie Sorrell, Junior was shot and killed at that  
11 location in December 21, 1990, correct?

12 A. Yes.

13 Q. Did you see the individual that died?

14 A. I -- I seen him laying on the ground there,  
15 but I didn't -- I didn't just see his face or nothing  
16 like that.

17 Q. Okay. You saw him after he had been shot?

18 A. Yes.

19 Q. So you didn't see him actually get shot; is  
20 that correct?

21 A. No, I didn't.

22 Q. Okay. What do you recall about seeing the  
23 victim?

24 A. I didn't see the victim until I came back  
25 to -- came back to my truck and that he was laying on

1 the ground. And I didn't -- you know, people was  
2 around, police was there, but I didn't go to look over  
3 and look at them. No.

4 Q. Okay. So you previously testified that you  
5 chased after the two offenders, correct?

6 A. Yes.

7 Q. How far did you chase him from where the  
8 incident initially happened?

9 A. I chased him for, like, about -- like a  
10 little -- about five blocks.

11 Q. Okay. And then you returned on your own; is  
12 that correct?

13 A. Yes.

14 Q. Okay. And when you returned to the scene of  
15 the shooting in the robbery, were the police present?

16 A. Yes.

17 Q. Okay. And did you speak to the police at that  
18 time?

19 A. Yes.

20 Q. All right. And did you tell the police what  
21 you saw?

22 A. Yes.

23 Q. Okay. And you were truthful?

24 A. Yes, sir.

25 Q. Okay. Did you see Terry Rogers at the scene

1 when you returned?

2 A. No, I did not.

3 Q. Okay. And you know that a man by the name of  
4 James Fletcher was charged and convicted of the shooting  
5 of Mr. Sorrell, correct?

6 A. Yes, sir.

7 Q. Okay. Did you know James Fletcher at the time  
8 of the shooting back in December of 1990?

9 A. No.

10 Q. At the time of the shooting, had you ever met  
11 James Fletcher?

12 A. No.

13 Q. Okay. And as you sit here today, have you  
14 ever met James Fletcher?

15 A. No.

16 Q. And as you sit here today, have you ever met  
17 James Fletcher?

18 A. I never met him. I saw him at -- at trial.

19 Q. Okay.

20 A. And then in -- in the -- in the lineup.

21 Q. Okay. You saw him at the lineup that you went  
22 to in 2002, correct?

23 A. Correct.

24 Q. And you saw him when you testified at his  
25 trial, correct?

A. Correct.

Q. But you've never met him other than that, correct?

A. No.

Q. Okay. And then after the shooting and after you returned to the scene, did you travel to the police station that day?

A. Yes.

Q. Okay. And at the police station, what did you tell police that you saw?

A. I told them that we-all were shooting back and forth at each other, you know.

Q. Okay. And did you give the police the descriptions that you've given us today?

A. Yes, I did.

Q. Okay. And were you cooperative with the police in 1990?

A. Yes. Yes.

Q. And did you speak to any detectives at the police station in 1990?

A. Yes.

Q. Do you know the name of the detectives that you spoke to?

A. No, I don't.

Q. Okay. Does the name Detective Fleming refresh

1 your recollection?

2 A. Yes.

3 Q. Do you believe you spoke to a Detective  
4 Fleming in 1990 about this case?

5 A. Yes, I did.

6 Q. Okay. Do you believe you spoke to Detective  
7 Fleming the day of the incident?

8 A. Yes.

9 Q. Okay. And you told Detective Fleming  
10 everything that you -- that you knew about the case,  
11 correct?

12 A. Yes, I did.

13 Q. Okay. Did you tell Detective Fleming, in  
14 1990, anything about Terry Rogers?

15 A. Yes, I did.

16 Q. What did you tell him?

17 A. I told him that he was there when I came out  
18 and I told him he might have had something to do with  
19 it.

20 Q. Okay.

21 A. Because he was always like a -- a lookout man  
22 or something.

23 Q. Okay. So you told Detective Fleming that  
24 Terry Rogers was a lookout man?

25 A. I said I told him I believed that he was, but



1 I wasn't for sure, you know.

2 Q. Okay. So you told him you had some  
3 suspicions, but you didn't have any evidence, correct?

4 A. Right.

5 Q. Okay. You told Detective Fleming what the  
6 offenders looked like, correct?

7 A. Yes.

8 Q. All right. So after that initial day in 1990,  
9 when the incident happened, and the day in 2002, when  
10 the Detectives Bogucki and Schalk came to your house to  
11 speak to you and show you the photo array, between those  
12 two occasions and those two dates, did you have any  
13 other opportunity or occasion to speak to the Chicago  
14 Police about what you saw?

15 A. Not that I can remember.

16 Q. Okay. Do you recall whether or not the police  
17 ever came to your house and asked to talk to you about  
18 the Willie Sorrell shooting in 1995?

19 A. I can't remember them coming in 1995.

20 Q. Okay. So you don't recall Detectives Bogucki  
21 and Schalk coming to your home in 1995 to interview  
22 about the Sorrell shooting, correct?

23 A. I don't remember them coming in 1995.

24 Q. Okay. Is it possible they did come into your  
25 house in 1995 and you just don't recall it?

1 A. It's -- it is a possibility. Could have came  
2 in '95, but I don't remember them coming.

3 Q. Okay. But you do remember them coming to your  
4 house, Detectives Bogucki and Schalk, in 2002, correct?

5 A. Yes.

6 Q. And you do remember them asking you questions  
7 about the Willie Sorrell shooting in 2002, correct?

8 A. Yes.

9 Q. And you do remember them showing you a photo  
10 array in 2002, correct?

11 MR. STEFANICH: Objection. Form.

12 A. Yes, I do.

13 BY MR. STARR:

14 Q. Okay. Do you know what time it was that  
15 Detectives Bogucki and Schalk came to your house in  
16 2002?

17 A. I know it was it was kind of late. Maybe  
18 around 9:00 or 10:00. I'm not for sure.

19 Q. All right. Do you recall whether it was dark  
20 out or light out?

21 A. Yeah, it was dark out.

22 Q. Okay. And when I say they came to your house  
23 in 2002, they came to your 1435 North Luna address; is  
24 that correct?

25 A. That's correct.

1 Q. Okay. And were you surprised when two police  
2 detectives came to your door in 2002?

3 A. Yes, I was.

4 Q. And why were you surprised, sir?

5 A. Because of how long it had been from that.

6 Q. So when the Detectives Bogucki and Schalk  
7 showed up at your door in 2002, you were surprised that  
8 they came up to talk to you about the Sorrell shooting  
9 because of the amount of time that had elapsed?

10 A. Yes.

11 Q. Okay. Did Detectives Bogucki and Schalk tell  
12 you why they wanted to interview you 12 years after the  
13 shooting?

14 A. Yes, they told -- they told me they were doing  
15 a, what they call a cold case.

16 Q. Okay. They told you they were doing a cold  
17 case? All right. And they told you they had a suspect?

18 A. Yes, they did.

19 Q. Okay. Do you recall anything else that they  
20 asked you other than what you testified to today, when  
21 they came out to your house in 2002?

22 A. No.

23 Q. And you recall telling Detectives Bogucki and  
24 Schalk that because 11 or 12 years had passed, you  
25 couldn't remember what the offender looked like,

1 correct?

2 MR. STEFANICH: Objection to form.

3 A. That's correct. That is correct.

4 BY MR. STARR:

5 Q. And how did the detectives respond to that  
6 when you told them that too much time had elapsed and  
7 you couldn't remember what the offenders looked like?

8 A. They -- they told me about the -- the two  
9 people they had already identified.

10 Q. Okay. So when you told the police that too  
11 much time had elapsed and you could no longer identify  
12 the offenders, they told you, well, two other people  
13 have identified him?

14 A. Yes, they did.

15 Q. Okay. Did they tell you anything else when  
16 you told them you could no longer identify them because  
17 of too much time had elapsed?

18 A. They told me about Terry Rogers had told  
19 them -- and gave them a lead to -- on him.

20 Q. Okay. So they responded that two other people  
21 had identified the suspect and that Terry Rogers had  
22 given them a lead on the case; is that correct?

23 A. Yes.

24 Q. All right. And do you recall how many  
25 photographs Detectives Bogucki and Schalk then showed

1 you during that 2002 interview at your home?

2 A. Between five and six.

3 Q. Okay.

4 A. I'm not for sure on that, I mean, I just I  
5 know it was around five or six.

6 Q. Okay. And you previously testified that you  
7 eventually identified one of the individuals in those  
8 photos, correct?

9 A. Yes.

10 Q. Okay. And you told us that you identified  
11 somebody in those photos after the urging of the  
12 detectives, correct?

13 MR. STEFANICH: Object to form.

14 A. Yes.

15 BY MR. STARR:

16 Q. And you told us that you identified one of the  
17 individuals in the photos after Detectives Bogucki and  
18 Schalk physically pointed at the photo, correct?

19 MR. STEFANICH: Objection. Form.

20 A. Yes.

21 BY MR. STARR:

22 Q. . Do you recall whether or not the photos  
23 that Detectives Bogucki and Schalk showed you in 2002  
24 were in color or were in black and white?

25 A. If -- if I'm not mistaken, they was in -- in

1 color. I'm not for sure you-all, I can't just remember  
2 were they in black or white or color.

3 Q. Okay. That's fair. So you can't recall  
4 whether or not the photos they showed you were in color  
5 or if they were in black and white, correct?

6 A. No, I cannot.

7 Q. All right. Do you recall if the photos that  
8 Detectives Bogucki and Schalk showed you had additional  
9 printed information on the pieces of paper they showed  
10 you?

11 A. Yes, they had -- had names on it.

12 Q. Okay. Do you recall there being names on the  
13 pieces of paper?

14 A. Yes.

15 Q. Okay. Did you recognize any of the names that  
16 were on the pieces of paper?

17 A. No, not -- not at the time, I didn't.

18 Q. Okay. Do you recall whether or not there was  
19 additional typed information on the pieces of paper that  
20 the photographs brought, in addition to names?

21 A. Yes, sir. Besides the name, it was some --  
22 some other stuff typed on there.

23 Q. Okay. So Detectives Bogucki and Schalk showed  
24 you six or seven photographs, and on those photographs,  
25 each individual photograph had a name and that had

1 additional information listed on the page that the  
2 photograph was on; is that correct?

3 A. Yes.

4 MR. STEFANICH: Object to form.

5 BY MR. STARR:

6 Q. Do you recall any of the additional  
7 information besides the names that was typed on the  
8 papers that had the photographs on, that you reviewed in  
9 2002?

10 A. No, I don't remember what was typed on that, I  
11 didn't remember what was there.

12 Q. Okay. You don't recall what the information  
13 was you just recall there was information; is that  
14 correct?

15 A. Yes.

16 Q. Okay. And it's during that 2002 interview,  
17 when Detectives Bogucki and Schalk told you who to  
18 identify, correct?

19 MR. STEFANICH: Objection. Form.

20 A. Yes.

21 BY MR. STARR:

22 Q. And I believe I asked you this, but just to  
23 make sure I'm correct, you don't recall which detective  
24 actually pointed at the photograph and told you to  
25 identify, correct?

1 A. No, I don't.

2 Q. But it was one of the two, either Bogucki or  
3 Schalk, correct?

4 MR. MICHALIK: Objection to form.

5 A. It was one of -- one of the two of them.

6 BY MR. STARR:

7 Q. Okay. Do you recall which detective  
8 specifically told you that the individual in the photo  
9 had big lips?

10 A. No, I don't.

11 Q. Was it the same one that pointed at the  
12 photograph?

13 A. Yes, it was.

14 Q. And do you recall whether it was Detective  
15 Bogucki or Detective Schalk that told you that Terry  
16 Rogers had given them the name of the suspect?

17 MR. STEFANICH: Objection to form.

18 A. No. I don't remember which one of them told  
19 me that, but one of them told me that it was Terry  
20 Rogers had told them.

21 BY MR. STARR:

22 Q. Okay. So you're not sure which detective it  
23 was, but you are sure that either Detective Schalk or  
24 Detective Bogucki told you that Terry Rogers had given  
25 them the name of the suspect, correct?



MR. STEFANICH: Objection to form.

A. Yes.

BY MR. STARR:

Q. Do you recall whether it was Detective Bogucki or Detective Schalk that told you that two other individuals had previously identified the man in the photograph that they pointed out?

MR. STEFANICH: Objection to form.

A. I don't remember which one of them told me that, but one of them told me.

BY MR. STARR:

Q. Okay. And did they tell you what individuals had identified the individual in the photograph?

A. Yes, I knew.

Q. And who did they tell you had previously identified the man in the photograph?

A. Fletcher. James Fletcher.

Q. No, no, maybe my question wasn't clear. Who did Detectives Bogucki and Schalk tell you had previously identified Mr. Fletcher?

A. They -- they just told me the girl and then -- and the -- the guys that they -- the windshield had got shot.

Q. Okay. So just so we're clear, Detective Bogucki or Detective Schalk, you're not sure which one

1 of them, one of the two, told you that a girl had  
2 previously identified --

3 A. No, I think that -- I can't remember her name,  
4 but it was Shaneka or something like that because I knew  
5 her -- I knew her parents back then, you know?

6 Q. Okay. Just let me get my question out, so  
7 we're not talking over one another, the record's clear.  
8 Either Detective Bogucki or Detective Schalk told you in  
9 2002 when they came out to your house, that a female had  
10 previously identified the man in the photo they wanted  
11 you to identify, correct?

12 MR. STEFANICH: Objection. Form.

13 A. That's correct.

14 BY MR. STARR:

15 Q. And they told you her name?

16 A. Yeah, I -- I -- well, I knew because she was  
17 at the police station too saying that.

18 Q. Okay. So in 2002, when they came to your  
19 home, either Detective Bogucki or Detective Schalk told  
20 you that a woman had identified the man in the picture,  
21 they wanted you to identify, and they told you her name,  
22 but you just can't recall her name; is that correct?

23 MR. STEFANICH: Objection. Form.

24 A. Yeah, I can't recall her name right now.

25 BY MR. STARR:

1 Q. Did Detective Bogucki or Detective Schalk tell  
2 you that Sheenee Friend had previously identified the  
3 man in the photograph before you identified him?

4 MR. STEFANICH: Objection. Form.

5 A. That's correct.

6 BY MR. STARR:

7 Q. Okay. So the woman's name is Sheenee Friend?

8 A. Right. That's her name.

9 Q. Does that name refresh your recollection, sir?

10 A. Yes.

11 Q. Okay. And you knew Sheenee Friend prior to  
12 the incident that happened in December --

13 A. Yes.

14 Q. -- of 1990?

15 A. Yes, I knew her parents.

16 Q. Okay. So you knew Sheenee Friend's family  
17 prior to December 21, 1990, correct?

18 A. Yes.

19 Q. Okay. And you knew Sheenee Friend prior to  
20 December 1, 1990, correct?

21 A. Yes.

22 Q. Okay. And Sheenee Friend is, in fact, a  
23 witness in this case, correct?

24 A. Yes.

25 Q. Okay. Do you remember seeing Sheenee Friend

1 at the scene prior to the shooting?

2 A. Yes.

3 Q. And do you remember seeing Sheenee Friend at  
4 the scene prior to the robbery?

5 A. Yes.

6 Q. Okay. Do you remember speaking to Sheenee  
7 Friend at the scene prior to the shooting and the  
8 robbery?

9 A. Yes.

10 Q. Okay. And so, in 2002, when Detective Schalk  
11 and Bogucki came to your home, they asked you to  
12 identify a photograph that they pointed out, correct?

13 MR. STEFANICH: Objection. Form.

14 A. Yes.

15 BY MR. STARR:

16 Q. And before you identified that photo, they  
17 told you that Sheenee Friend had previously identified  
18 that individual, correct?

19 MR. STEFANICH: Objection. Form.

20 A. Yes.

21 BY MR. STARR:

22 Q. Okay. Do you recall the name of the other  
23 individual that Detectives Bogucki and Schalk told you  
24 had previously identified the man in the photograph?

25 MR. STEFANICH: Objection. Form.

1 A. No, I don't remember his name.

2 BY MR. STARR:

3 Q. You had mentioned something about a  
4 windshield, what were you talking about when you  
5 mentioned a windshield?

6 A. They -- they had told me that he was -- the  
7 guy they had identified was the one that got the  
8 windshield shot -- knew one of the guys windshield  
9 got shot out during the shooting, and they told me he  
10 was the one that -- he was one of the ones that  
11 identified -- he was -- he was the one that identified  
12 him and she -- she was the other one that identified  
13 him.

14 Q. Okay. So Detectives Schalk and Bogucki told  
15 you that the other person that had previously identified  
16 the man in the photograph was a man that had been at the  
17 scene in December 1990?

18 MR. STEFANICH: Objection. Form.

19 A. Yes.

20 BY MR. STARR:

21 Q. And Detective Schalk and Bogucki told you that  
22 the other person who identified the man in the  
23 photograph had been at the scene and his windshield had  
24 been shot out?

25 MR. STEFANICH: Objection. Form.

1 A. Yes.

2 BY MR. STARR:

3 Q. Okay. And they told you that it was a man?

4 A. The -- the man in the -- the windshield got  
5 shot out was -- was -- he identified him and then  
6 Sheenee was, she -- she was -- route -- right by the  
7 truck -- by my truck --

8 Q. Sure.

9 A. -- when they had the guns on me, and she --  
10 she was already standing looking at them, they told me  
11 that she had identified them.

12 Q. Okay. We already covered her, so I just want  
13 to try to unpack who the other individual is. So you've  
14 testified today that in addition to the detectives  
15 telling you that Sheenee Friend had identified the man  
16 in the photograph prior to them showing it to you, they  
17 also told you there was another person who identified  
18 the man in the photograph prior to them showing it to  
19 you, correct?

20 MR. STEFANICH: Objection. Form.

21 A. Yes.

22 BY MR. STARR:

23 Q. Okay. And that man, the detectives indicated  
24 had been at the scene and his windshield had been shot  
25 out, correct?

A. Yes.

Q. Did they tell you the name of that man?

A. They told me his name, but I don't remember it.

Q. Okay. Did they tell you that the man's name was Emmitt Wade?

A. I can't remember his name, but I -- I can't remember.

Q. Okay.

A. But they told me his name, but I don't remember.

Q. Okay. So they told you his name, you just can't remember his name, correct?

A. Correct.

Q. Okay. And you knew Sheenee Friend prior to the shooting, correct?

A. Yes.

Q. Did you know the other man prior to the shooting?

A. No.

Q. Okay. Did you know anyone named Emmitt Wade prior to December 21, 1990?

A. No.

Q. Okay. And then you testified that after the detectives pointed at the photo, told you to look at the

1 lips, told you that Friend and another man had  
2 identified him, you'd then identified the man in the  
3 photo, correct?

4 A. Yes.

5 MR. STEFANICH: Objection. Form.

6 BY MR. STARR:

7 Q. Did you identify the individual that  
8 Detectives Bogucki and Schalk wanted you to identify?

9 MR. STEFANICH: Objection. Form.

10 A. Yes, I did.

11 BY MR. STARR:

12 Q. Why did you identify the man in the photo as  
13 being one of the offenders in the Willie Sorrell  
14 shooting, sir?

15 MR. STEFANICH: Objection. Asked and  
16 answered.

17 A. It was after they told me. I was convinced  
18 that that was him after they told me about Terry Rogers  
19 had told them that he -- he was one of the guys.

20 BY MR. STARR:

21 Q. Okay. The police convinced you that the man  
22 of the photo was the man that robbed you in 1990,  
23 correct?

24 MR. STEFANICH: Objection. Form.

25 A. Yes.



1 BY MR. STARR:

2 Q. Okay. And you believed them, right?

3 A. Yes.

4 Q. Did you believe them because they were police  
5 officers?

6 A. I -- yes, I did because I didn't -- I knew  
7 they was -- had to be doing something because they know  
8 I -- that's the only way Terry Rogers name came up. And  
9 I -- I just -- like I said, I knew what kind of guy he  
10 was back then, you know?

11 Q. Okay. That's fair. But my question is a  
12 little more simple than that. Did you believe  
13 Detectives Bogucki and Schalk, when they told you that  
14 the man in the photograph was the same man that robbed  
15 you in 1990 because they were in fact police officers?

16 MR. STEFANICH: Objection. Form.

17 A. Yes.

18 BY MR. STARR:

19 Q. And did you expect the police to be truthful  
20 and tell you honestly, the information they had?

21 MR. STEFANICH: Objection. Form.

22 A. Yes.

23 BY MR. STARR:

24 Q. Okay. Okay. You previously testified that  
25 following the police visit to your home at some point

1 later, you went to the police station and viewed a  
2 lineup, correct?

3 A. Yes.

4 Q. Okay. Do you recall who asked you to come to  
5 the police station to view a lineup?

6 A. No.

7 Q. Okay. When Detectives Bogucki and Schalk were  
8 at your home in 2002, did they ask you -- did they tell  
9 you that at some point in time they would want you to  
10 view a lineup?

11 A. Yes.

12 Q. Okay. And do you remember if they called you  
13 and told you to come in, or how you ended up going in  
14 April of 2002?

15 A. No, I don't remember. I couldn't remember if  
16 they called me or -- I don't remember that.

17 Q. All right. And then when you actually were in  
18 the room viewing the lineup, what do you recall about  
19 the room that you were in?

20 A. Just like a room, kind of dark in there, and  
21 they had them on the other side of the mirror.

22 Q. Okay. So you were in a room that was kind of  
23 dark and there was a mirror and you could see men in the  
24 other side; is that correct?

25 A. Yes.

1 Q. All right. And then were Detectives Bogucki  
2 and Schalk in the room with you when you were viewing  
3 the lineup?

4 A. I can't remember if both of them was in there,  
5 but I know for a fact one of them was in there.

6 Q. Okay. Were there any other people in the room  
7 besides either Detective Bogucki or Detective Schalk?

8 A. There was someone in there, but I'm not for  
9 sure who it was, though.

10 Q. Okay. And did you see Sheenee Friend at the  
11 police station when you were there to view the lineup?

12 A. No.

13 Q. And then you stated that you spoke to a third  
14 detective prior to viewing the lineup, correct? You  
15 just don't know his name?

16 A. No, I don't.

17 Q. Okay. And that detective told you that that  
18 the individual in the lineup had been a suspect in  
19 another shooting that happened at Cabrini-Green,  
20 correct?

21 MR. STEFANICH: Objection. Form.

22 A. Yes.

23 BY MR. STARR:

24 Q. Did hearing that information that detective  
25 that the suspect that you had identified had previously

1 committed a robbery and a shooting -- did that make you  
2 feel more confident about who you were identifying?

3 MR. MICHALIK: Objection. Form.

4 A. Yes, it did.

5 BY MR. STARR:

6 Q. I didn't hear your answer.

7 A. Yes, it did.

8 Q. And then you also testified that before you  
9 viewed the lineup, you met with Detectives Bogucki and  
10 Schalk and they reminded you of who to identify,  
11 correct?

12 MR. STEFANICH: Objection. Form.

13 A. They met to remind me of to look at his lips.

14 BY MR. STARR:

15 Q. Okay. They told you make sure you look at his  
16 lips and remember his lips?

17 MR. STEFANICH: Objection. Form.

18 A. Yes.

19 BY MR. STARR:

20 Q. And you're not sure whether or not Detectives  
21 Bogucki and Schalk showed you photos at the police  
22 station prior to viewing the lineup, correct?

23 MR. MICHALIK: Objection. Asked and answered.

24 A. No, I'm not too sure.

25 BY MR. STARR:

1 Q. Is it possible they showed you photos?

2 MR. MICHALIK: Objection. Asked and answered.

3 A. It's possible but I'm not for sure of that  
4 seen or not.

5 BY MR. STARR:

6 Q. Okay. We got to let them get their objections  
7 in so there's not people talking over. I know that  
8 we're -- you know, it's been going for a little while,  
9 but just make sure to let the other attorneys make their  
10 objections so they get on the record. So let me -- let  
11 me just ask that again because I'm not sure if that got  
12 put on the record. Is it possible that Detectives  
13 Bogucki and Schalk showed you photographs again at the  
14 police station prior to your viewing the lineup in 2002?

15 MR. MICHALIK: Objection. Asked and answered.

16 A. I'm not for sure if they showed me or not.

17 BY MR. STARR:

18 Q. Okay. Do you recall Detectives Bogucki and  
19 Schalk saying anything else to you at the police station  
20 before you viewed the lineup besides remember the man's  
21 lips?

22 A. No, I'm not.

23 Q. Do you recall anything else that any other  
24 police officer said to you when you were at the police  
25 station in April 2002 to view the lineup besides what

1 you testified to today?

2 A. No, I don't. No, not -- not -- just only the  
3 detective I said just told me about the -- the robbery  
4 before then.

5 Q. Right. You're referring to the other  
6 detective who you don't know the name of, who previously  
7 told you that the suspect in the lineup had previously  
8 been involved in a robbery and shooting, correct?

9 A. Yes.

10 Q. So in addition to that, in addition to what  
11 you told us that Detectives Bogucki and Schalk said to  
12 you at the police station prior to viewing the lineup,  
13 did any other police officer or police personnel speak  
14 to you at all?

15 MR. STEFANICH: Objection. Form.

16 A. Not that I remember.

17 BY MR. STARR:

18 Q. Okay. And when you picked the individual out  
19 of the lineup, did you recognize the individual that you  
20 selected and you identified as the same person that had  
21 been in the photos that the police had showed you?

22 A. Yes.

23 Q. Okay. And when you made that identification  
24 in the lineup, did you actually recognize the person  
25 that you identified as the person who shot Willie

1 Sorrell in 1990, or did you recognize that person as the  
2 person the police had showed you the photograph of?

3 MR. STEFANICH: Object to form.

4 A. I recognized from the photo.

5 BY MR. STRR:

6 Q. Okay. And so, when you made the lineup  
7 identification of Mr. Fletcher, you did not, in  
8 fact, recognize him from 1990, correct?

9 A. That's correct.

10 Q. And did you have doubts about identifying  
11 Mr. Fletcher in that lineup, sir?

12 A. Yes.

13 Q. Okay. But you still identified him in the  
14 lineup, correct?

15 A. Yes.

16 Q. And why did you do that, sir?

17 A. I went on -- like I said, I went on about what  
18 they told me about Terry Rogers had told them and what  
19 they had told -- about the other two witnesses.

20 Q. Okay. So you identified the individual in the  
21 lineup because you believe what the police had told you,  
22 correct?

23 A. Yes.

24 Q. And your identification of the man in the  
25 lineup didn't come from the fact that you actually

1 recalled him from the 1990 shooting, correct?

2 A. Correct.

3 Q. And when you picked the man that you -- strike  
4 that. When you selected the man that you identified in  
5 the lineup, how did you know to pick him instead of the  
6 other people in the lineup?

7 A. I went by his facial and this guy's lips.

8 Q. Okay. Do you recall if any of the other  
9 individuals in the lineup had big lips?

10 A. No.

11 Q. You don't recall, or they did not have big  
12 lips?

13 A. They didn't have big lips.

14 Q. And then you identified the man in the lineup,  
15 you knew that that man was the suspect that the police  
16 had identified previously, correct?

17 A. Yes.

18 Q. And you knew that because the police had told  
19 you that, correct?

20 A. Yes.

21 Q. And then later on, you identified Mr. Fletcher  
22 at your criminal trial and identified him as the person  
23 that shot Willie Sorrell, correct?

24 A. Yes.

25 Q. Was that testimony false, sir?



1           A.    I -- I told them I was -- when I told them at  
2 the trial, I told them I was only 75 percent sure if  
3 that was him or not, I told them then I was not for sure  
4 that that was not going to him or not.

5           Q.    Okay. Was that testimony that you gave at  
6 Mr. Fletcher's criminal trial based on what the police  
7 had told you and instructed you to do?

8           MR. STEFANICH: Objection. Form.

9           A.    Most of it, yes.

10          BY MR. STARR:

11          Q.    Okay. And when you say you were only 75  
12 percent sure, were you 75 percent sure because you  
13 actually recognized Mr. Fletcher or because the police  
14 had told you that other people had identified him and  
15 that Terry Rogers had given them his name?

16          A.    I went by -- by they told me that -- that the  
17 other two had -- witness had identified and about Terry  
18 Rogers. Like I said, that Terry Rogers' brother told me  
19 that Terry told him that was -- that -- that he -- that  
20 was the guy, you know.

21          Q.    Okay. So your characterization of being 75  
22 percent sure that Mr. Fletcher was the man that was  
23 involved in the 1990 shooting was not based on you  
24 actually remembering Mr. Rogers -- or sorry, that --  
25 Mr. Fletcher, it was based on the information you

1 learned from police and from Terry Rogers' brother,  
2 correct?

3 A. Correct. From over the years, you know?

4 Q. Okay. And then many years after the criminal  
5 trial in 2011, do you recall signing a sworn affidavit  
6 saying that your identification of James Fletcher in  
7 2002 was flawed?

8 A. Objection. Form.

9 A. I don't remember in 2011.

10 Q. Okay. Do you understand what I mean when I  
11 say an affidavit, sir?

12 A. Not offhand, no.

13 Q. Okay. I'm going to show you the affidavit in  
14 just a minute, and so we'll see if that refreshes your  
15 recollection then, okay? All right. I'm going to mark  
16 this as Exhibit 1.

17 (EXHIBIT 1 MARKED FOR IDENTIFICATION)

18 BY MR. STARR:

19 Q. But do you need a break, sir?

20 A. No.

21 Q. Okay. All right. So for the record, this is  
22 Exhibit 1 and the Bates is Fletcher 1 through Fletcher  
23 2. All right, sir. Take a look at that document. We're  
24 going to talk about it in a little bit, but I'm going to  
25 give you an opportunity to read it to make sure you're

1 familiar with it before I ask any questions about it.

2 Let me know when you're done reading it, okay?

3 A. Yeah. I -- I remember this now. Yeah.

4 Q. Okay. So you just had an opportunity to look  
5 at this document, Exhibit 1, correct, sir?

6 A. Yes, sir.

7 Q. And now you recall signing this document in  
8 2011, sir?

9 A. Yes.

10 Q. Okay. And if you look at the second page of  
11 the document, do you see the signature there?

12 A. Yes.

13 Q. Is that your signature, sir?

14 A. Yes, it is.

15 Q. Okay. And do you see the date? It appears to  
16 say June 2nd of 2011. Do you see that date there?

17 A. Yes.

18 Q. Okay. And does looking at this document  
19 refresh your recollection of actually signing this  
20 document?

21 A. Yes.

22 Q. And when you signed this document, you read  
23 this document, correct?

24 A. Yes, I did.

25 Q. And when you signed this document, you agreed

1 that the information contained in this document was  
2 truthful, correct?

3 A. Yes.

4 Q. Okay. I'm not going to go through this  
5 document in its entirety, but I do want to ask you a  
6 couple of questions. When you signed this document in  
7 2011, had you ever personally spoken to James Fletcher?

8 A. No.

9 Q. Okay. And when you signed this document in  
10 2011, had James Fletcher ever done anything to pressure  
11 you or bribe you or trick you into signing this  
12 document?

13 A. No.

14 Q. Okay. So if you look at paragraph -- look at  
15 the beginning, it says "Affidavit of Edward Cooper,"  
16 correct, sir?

17 A. Yes.

18 Q. Okay. And then it says, "I, Edward Cooper  
19 being first duly sworn upon my oath, deposes and  
20 states." Do you see that, sir?

21 A. Yes.

22 Q. Okay. And then there's some information about  
23 what happened in December 1991. Do you see those  
24 paragraphs?

25 A. Yes, I do.

1 Q. And then do you see in paragraph number 6,  
2 take a look at paragraph number 6, sir. It says, "When  
3 the police arrived at the scene of the shooting, they  
4 questioned me on the scene about the robbery and  
5 shooting. I told the police I did not know the men who  
6 robbed me, and I could only describe them as two Black  
7 males with shoulder-length hair." Do you see that, sir?

8 A. Yes.

9 Q. Is that accurate?

10 A. Yes, it is.

11 Q. Okay. And did you, in fact, tell the police  
12 that in 1990?

13 A. Yes, I did.

14 Q. Okay. And then if you go on to the next  
15 paragraph, sir, paragraph 7, this reference is a photo  
16 array that was showed to you on March 19, 1995. Do you  
17 see that, sir?

18 A. Yes, I do.

19 Q. Do you recall that photo array?

20 A. No, I don't.

21 Q. Okay. And then at the end of this paragraph,  
22 it says, "I told the detectives that I was a friend of  
23 Rogers' family, and I had heard that Terry Rogers had a  
24 bad drug habit and would do almost anything for money.  
25 Also, Terry Rogers was the one person who claimed that

1 one of the offenders called the other 'Fletchers.'" Do  
2 you see that?

3 A. Yes, I do.

4 Q. And the word Fletcher is plural. Do you see  
5 the S in the end of Fletcher?

6 A. Yes, I do.

7 Q. Did anyone ever tell you that Terry Rogers  
8 heard one of the suspects yell out Fletchers, plural?

9 A. No, I don't -- I don't remember that.

10 Q. Okay. Is it possible that it's a typo and it  
11 should be just Fletcher?

12 A. Yes.

13 Q. Okay. That's fair. And then it says in  
14 paragraph 8 -- if you look at paragraph 8, sir, "During  
15 the early part of 2002, two detectives from the Chicago  
16 Police Department contacted me and came to my home. At  
17 my home they showed me several pictures of different  
18 individuals and asked me, did I recognize any of them? I  
19 told the detectives that the robbery had happened more  
20 than 12 years ago, and I did not exactly recognize  
21 anyone in the pictures. Also, during 2002, I was asked  
22 to appear before the Cook County Grand Jury, but I  
23 refused because I was not sure of being a 100 percent of  
24 my identification of the offender." Do you see that,  
25 sir?

1 A. Yes, sir.

2 Q. Okay. Do you remember reading this paragraph  
3 when you prepared this document in 2011?

4 A. Yes.

5 Q. And this is accurate, sir?

6 A. Yes, it is.

7 Q. Okay. And then if you look at paragraph  
8 number 9, it says, "At this time, I again told the  
9 detectives that the robbery happened a very long time  
10 ago, and I cannot be a 100 percent sure that is the man  
11 who robbed me. Even at the trial of Jimmy Fletcher, I  
12 was only 75 percent sure." Do you see that, sir?

13 A. Yes, I do.

14 Q. Did I read that accurately?

15 A. Yes.

16 Q. Okay. And do you remember reading that in  
17 2011 before you signed the document?

18 A. Yes.

19 Q. Okay. And was it truthful in 2011 when you  
20 signed the document?

21 A. Yes, it was.

22 Q. Okay. In paragraphs 8 and 9, it's a summary  
23 of what you remember about 2002 when the police came to  
24 your house, correct?

25 A. Yes.

1 Q. Okay. And there's a summary about even at the  
2 trial part of it, correct?

3 A. Yes.

4 Q. Okay. This affidavit doesn't contain all the  
5 information that you've testified to today, does it?

6 A. No.

7 Q. Okay. If you had been asked in 2011 about all  
8 these additional details, would you have provided them?

9 A. Yes.

10 Q. Okay. So this is just a summary of what you  
11 recalled when you signed this in 2011, correct?

12 A. Yes.

13 Q. It didn't contain all the information that you  
14 recalled, correct?

15 A. No, it don't contain everything here.

16 Q. Okay. And then if you look at paragraph 10,  
17 it says, "I told investigators in 2004 that it has been  
18 so long ago that I can't even remember their faces after  
19 so many years." Do you see that?

20 A. Yes.

21 Q. Okay. And do you remember reading that before  
22 you signed this document in 2011, sir?

23 A. Yes, I do.

24 Q. And is that true and accurate, sir?

25 A. Yes, sir.



1 Q. Okay. So in 2004, you couldn't remember the  
2 faces of the individuals who robbed you in 1990,  
3 correct?

4 A. No, I couldn't.

5 Q. Is that because 14 years had elapsed?

6 A. Yes, sir. I -- I told him that, too, no.

7 Q. Okay. Could you remember the robberies any  
8 better in 2002 than you could in 2004?

9 A. No.

10 Q. Okay. And put that aside for a moment, we  
11 might come back to that. But since your affidavit  
12 doesn't mention everything you've testified to today,  
13 correct?

14 A. No, it don't mention everything.

15 Q. Okay. Does that mean that you're making up  
16 new information that you're testifying to today?

17 A. No, I'm not making it up.

18 Q. Okay. And if the lawyer had got this  
19 affidavit from you had asked you about additional  
20 details, would you have provided those additional  
21 details?

22 A. Yes.

23 Q. Okay. Do you have any reason to lie about  
24 what happened in 1990 during the shooting of Willie  
25 Sorrell?

1 A. No, I don't.

2 Q. Do you have any reason to lie about any of  
3 your interactions with Detective Bogucki and Detective  
4 Schalk in 2002?

5 A. No, I don't.

6 Q. Do you have any reason to lie about how and  
7 why you identified the man in the photograph that you  
8 had identified in 2002?

9 A. No, I don't.

10 Q. Do you have any reason to lie about how and  
11 why you identified the man in the lineup that you  
12 identified in 2002?

13 A. No, I don't.

14 Q. Do you have any reason to lie about how and  
15 why you identified James Fletcher at his criminal trial?

16 A. No, I don't.

17 Q. And you don't remember the police interviewing  
18 you in 1995, correct?

19 A. No, I don't remember them interviewing me,  
20 but I remember the person on here about telling them  
21 about -- about Terry Rogers or something.

22 Q. Okay. So you remember telling the police  
23 about Terry Rogers and that might have happened in 1995,  
24 correct?

25 A. It -- it could have happened in 1995, but I'm

1 not for sure.

2 Q. But you just don't remember them specifically  
3 coming to your house specifically in the year, 1995,  
4 correct?

5 A. No, I don't.

6 Q. But it's possible that if they did in fact  
7 come into your home, they interviewed you and showed you  
8 photographs, correct?

9 MR. STEFANICH: Object to form.

10 A. That's correct.

11 BY MR. STARR:

12 Q. When you gave that affidavit, sir, did you  
13 give that affidavit because anyone promised you  
14 anything?

15 A. No.

16 Q. Did you give that affidavit because anyone  
17 threatened you, sir?

18 A. No.

19 Q. In fact, if you look back at paragraph 10, the  
20 last part of it that I didn't read, it says, "I have not  
21 been promised anything nor threatened by anyone to give  
22 this affidavit. This affidavit is given of my own free  
23 will." Do you see that?

24 A. Yes.

25 Q. And you read that before you signed it,

1 correct?

2 A. Yes.

3 Q. And is that statement correct, sir?

4 A. That's correct.

5 Q. Okay. And since Mr. Fletcher's release from  
6 prison, has he or anyone else from his family come  
7 forward and promised you anything?

8 A. No.

9 Q. Okay. Has he -- has James Fletcher or anyone  
10 from his family came forward to you and threatened you  
11 in any way?

12 A. No.

13 Q. Okay. Have you ever spoken with any of the  
14 attorneys in this room besides me?

15 A. No.

16 Q. Do you know if you ever met with any lawyers  
17 from the City of Chicago?

18 A. What do you --

19 Q. Yeah, that's a bad question. Let me rephrase  
20 it. Did you ever meet with any lawyers from the City of  
21 Chicago about the Willie Sorrell case?

22 A. Only the state's attorney when I going to --  
23 going to court. That's it.

24 Q. Okay. So you met with the state attorney in  
25 preparation for your testimony at trial stemming from

1 the criminal prosecution of James Fletcher, correct?

2 A. Yes.

3 Q. Okay. Other than that, did you meet with any  
4 other attorneys besides Ms. Blagg in 2011 and me  
5 yesterday?

6 A. No. I did not.

7 Q. Have you ever spoken to any of the attorneys  
8 who represent the City of Chicago or the individual  
9 defendants on the telephone?

10 A. Not that I recall.

11 Q. Okay. And when you and I spoke, both the  
12 first time on the telephone and yesterday in person, I  
13 made it clear to you that I represented James Fletcher,  
14 correct?

15 A. Yes.

16 Q. Okay. And did I tell you when I spoke to you,  
17 both on the phone and in person, that I wanted you to  
18 tell the truth?

19 A. Yes, you did.

20 Q. Okay. And you also met with a colleague of  
21 mine, a woman by the name of Amy Kasper, briefly,  
22 correct?

23 A. Yes.

24 Q. She served you with the subpoena for this  
25 deposition, correct?

1 A. Yes.

2 Q. Okay. And did you talk to Amy Kasper about  
3 this case?

4 A. No. No. She -- she gave me the affidavit and  
5 told me that she was -- who she was and everything.

6 Q. Okay. So Amy Kasper told you that she worked  
7 for somebody who represented James Fletcher, correct?

8 A. Yeah. Correct.

9 Q. And she served you with a subpoena for this  
10 deposition, correct?

11 A. Correct.

12 Q. But other than that, you just talked to her  
13 about scheduling stuff, correct?

14 A. Correct. Yes.

15 Q. Okay. And you previously testified that you  
16 gave this affidavit to the attorney by the name of  
17 Jennifer Blagg, correct?

18 A. Yes.

19 Q. Okay. And did Jennifer Blagg tell you when  
20 you spoke to her back in 2011, that all she wanted you  
21 to do was tell the truth?

22 A. Yes, sir. That's all they told me, is tell  
23 what happened -- and -- what happened, what I can  
24 remember, that's it.

25 Q. Okay. And when you spoke to Jennifer Blagg,

1 did you tell her the truth?

2 A. Yes, I did.

3 Q. And you signed this affidavit that we just  
4 looked at, which was marked as Exhibit 1, correct?

5 A. Yes.

6 Q. And did you sign it because it was truthful?

7 A. I did, yes, sir.

8 Q. Okay. And did you tell me the truth when I  
9 spoke to you on the phone?

10 A. Yes.

11 Q. And did you tell me the truth when I spoke  
12 with you yesterday?

13 A. Yes, I did.

14 Q. Okay. And you've told the truth today?

15 A. Yes, I have.

16 MR. STARR: Okay. Let's take a five-minute  
17 break. I want to show you a couple of documents,  
18 but I'm pretty much done with my questions, okay?

19 THE WITNESS: Okay.

20 THE VIDEOGRAPHER: We are off the record. The  
21 time is 12:12 p.m.

22 (OFF THE RECORD)

23 THE VIDEOGRAPHER: We are back on the record  
24 for the deposition of Edward Cooper. My name  
25 is Brandon Rackowski. Today is Friday,

1 April 28, 2023. The time is 12:23 p.m.

2 BY MR. STARR:

3 Q. All right, Mr. Cooper. I just have a few more  
4 questions for you. I'm going to show you a couple  
5 documents just briefly. This is Exhibit 1 that's in  
6 front of you, your affidavit. If you can take another  
7 look at it real quick. In paragraph 10, you  
8 referenced -- you said, "I told investigators in 2004  
9 that it had been so long ago that I can't even remember  
10 their faces." Do you recall speaking to somebody in  
11 2004, an investigator, about this case?

12 A. Yes, sir.

13 Q. Okay. Let me just show you what I'm going to  
14 mark as Exhibit number 2. For the record, this is  
15 Fletcher 407 through 408. Here you are, sir. Take a  
16 minute to review that and let me know when you're ready  
17 to discuss it. Sir, did you have an opportunity to  
18 review this document, which I marked as Exhibit  
19 number 2?

20 (EXHIBIT 2 MARKED FOR IDENTIFICATION)

21 A. Yes.

22 BY MR. STARR:

23 Q. Okay. And do you see at the top of page 407,  
24 the date, September 28, 2004?

25 A. Yes.



1 Q. Okay. And do you see at the very top of the  
2 document, it appears that this is a document created by  
3 someone by the name of Jim Zarnick, PI?

4 A. Yes.

5 Q. Does that name ring any bells?

6 A. No, it don't.

7 Q. Okay. And did you read through this document,  
8 sir?

9 A. Yes. Yes, sir.

10 Q. Okay. And then at the end of this, it says,  
11 "Sincerely, Jim Zarnick, Private Detective." Do you see  
12 that?

13 A. Yes.

14 Q. Okay. Is this the investigator that you think  
15 you spoke to in 2004?

16 A. Yes.

17 Q. All right. And I want to direct your  
18 attention to the bottom of the first page, halfway  
19 through the second paragraph. Do you see the line that  
20 starts, "The two detectives met him at his house"?

21 A. On what page?

22 Q. First page there, sir. 407. The second  
23 paragraph -- middle of the second paragraph, the  
24 sentence that begins, "The two detectives met him at his  
25 house sometime during the evening hours and asked that

1 Mr. Cooper to view approximately 12 pictures of various  
2 individuals." Do you see that?

3 A. Yes.

4 Q. Okay. Do you recall the detective showing you  
5 12 pictures, sir?

6 A. No. Not -- I don't remember how many pictures  
7 there were, but I know he showed me a lot of pictures.

8 Q. Okay. And I think you previously testified  
9 that you thought there was six or seven photos. Is it  
10 possible there was more than six or seven?

11 A. Yes. It's possible, yeah.

12 Q. Okay. And then the exhibit goes on to state,  
13 "Mr. Cooper stated that he was not able to positively  
14 identify the person who robbed him and explained that  
15 the reason he was not able to do so was because the  
16 robbery happened too long ago." Do you see that, sir?

17 A. Yes.

18 Q. Did you tell the investigator that?

19 A. Yes, I did.

20 Q. Do you recall, in 2004, talking to an  
21 investigator and telling an investigator that you were  
22 not able to positively identify the person who robbed  
23 you because it was too long ago?

24 A. Yes, I do.

25 Q. All right. And then if you continue in that

1 same paragraph, it says, "When asked if any of the men  
2 look familiar, he picked out one of the photos, but  
3 again said that he 'could not be 100 percent sure.'" Do  
4 you see that, sir?

5 A. Yes, sir.

6 Q. Do you remember telling the investigator that  
7 you picked out a photo but that you were not 100 percent  
8 sure?

9 A. Yes, I do.

10 Q. All right. And then lastly, it says,  
11 "Mr. Cooper was later informed by the detectives that  
12 the individual he identified from the photos and the  
13 lineup was James Fletcher." Do you see that?

14 A. Yes.

15 Q. Do you remember telling the investigator you  
16 spoke to in 2004 that you were later told that it was  
17 James Fletcher who you identified?

18 A. Yes.

19 Q. Okay. And then the next paragraph continues,  
20 it says, "Approximately two to three days later,  
21 Mr. Cooper visited the Chicago Police Department to view  
22 a police lineup." Do you see that, sir?

23 A. Yes.

24 Q. Is that true?

25 A. Yes.

1 Q. Did you tell the investigator that?

2 A. Yes.

3 Q. Okay. And then it says, "He stated that he  
4 met with two detectives and was then taken to a room to  
5 view several individuals in a lineup." Do you see that,  
6 sir?

7 A. Yes.

8 Q. Is that true?

9 A. Yes.

10 Q. Did you tell the investigator that in 2004?

11 A. Yes, sir.

12 Q. Okay. And then it says, "When asked if any of  
13 the individuals from the lineup were the one who robbed  
14 him, he picked one of the males from the lineup, but  
15 again stated that he was not 100 percent sure, because  
16 the incident happened too long ago." Do you see that,  
17 sir?

18 A. Yes.

19 Q. And is that true?

20 A. Yes, it is.

21 Q. And did you tell the investigator that in  
22 2004?

23 A. Yes, I did.

24 Q. Okay. You can put that document aside, sir.  
25 All right. I'm going to show you what I'm going to mark

1 as Exhibit number 3, sir. All right. And for the  
2 record, I'm going to mark this as Exhibit number 3, and  
3 this is Fletcher 934 through Fletcher 988. And I  
4 apologize that there's not a cover page on this exhibit.  
5 I thought there was. But sir, I'm going to represent to  
6 you that this is your criminal trial testimony in  
7 Mr. Fletcher's criminal trial, okay?

8 (EXHIBIT 3 MARKED FOR IDENTIFICATION)

9 A. Okay.

10 BY MR. STARR:

11 Q. I'm not expecting you to read the entire  
12 thing, but I'm going to ask you some questions about it;  
13 is that okay?

14 A. Yes.

15 Q. All right. And you remember testifying in  
16 James Fletcher's criminal trial, correct?

17 A. Yes.

18 Q. Okay. And you testified on behalf of the  
19 prosecution; is that right?

20 A. Yes.

21 Q. Okay. And you said you remember meeting with  
22 the state's attorney before testifying, correct?

23 A. Yes.

24 Q. Okay. Did you meet with Detectives Bogucki  
25 and Schalk before you testified?

1 A. I don't remember if I met with them or not.

2 Q. Okay. Is it possible that you met with  
3 Detectives Bogucki and Schalk before you testified?

4 MR. MICHALIK: Object to form.

5 BY MR. STARR:

6 Q. Okay. Okay. All right. I'm going to direct  
7 you -- and if you look at the page numbers at the  
8 bottom, there's two different page numbers. There's the  
9 original page numbers, which are in the 50s -- 54, then  
10 there's the other Bates page numbers, which I'm going to  
11 refer to, okay? The Bates ones are the ones that start  
12 with 934. Do you see that on the first page?

13 A. Which one?

14 Q. On the first page, you see on the right-hand  
15 corner there's a -- there's a number that says Fletcher  
16 and then there's a number?

17 A. Yes. 934.

18 Q. Okay. So I'm going to refer to those page  
19 numbers when I'm directing you where to look, okay?

20 A. Okay.

21 Q. All right. And I'm going to represent to you,  
22 sir, that you testified on February 23, 2005. Does that  
23 sound about right?

24 A. Yes.

25 Q. Okay. All right. So the first page that I

1 want to direct your attention to, sir, is Fletcher 945.  
2 And these are double-sided. All right. Do you see  
3 line -- these are line numbers on the left-hand side, so  
4 I'm going to also refer to those to help direct you.

5 A. Okay.

6 Q. Do you see line 8 on page 945?

7 A. Yes.

8 Q. And it says, "Did anyone chase them with you?"  
9 And then you answered, "Terry Rogers." Do you see that?

10 A. Yes.

11 Q. And then it says, "Did you know that person?"  
12 And you say, "Yes, I did." Did you say that?

13 A. Yes.

14 Q. Okay. And then do you see the question, it  
15 says, "Did you see him during the time you were being  
16 robbed?" And your answer is, "When they first came out,  
17 I spoke to him, but he dropped his head down and he  
18 didn't speak back to me." Were you asked those  
19 questions and gave those answers?

20 A. Yes.

21 Q. Okay. Is this --

22 MS. BLAGG: I'm sorry, is the deposition  
23 going? I can't hear.

24 MR. STARR: Sorry, Jennifer. We had muted  
25 you, I guess. I didn't realize that.

MS. BLAGG: Okay. Thanks.

MR. STARR: Sure.

BY MR. STARR:

Q. All right, sir. Were you asked these questions? Did you give these answers?

A. Yes.

Q. All right. And when you previously testified that you saw Terry Rogers and he was acting suspicious, is this the moment you saw Terry Rogers where you thought he was being suspicious?

MR. MICHALIK: Objection to form.

A. Yes.

BY MR. STARR:

Q. Okay. And then you were asked on line 17, "Where is it that you first saw him?" And you answer on line 18, "He was standing just about 20 feet from Uncle Remus' Restaurant." Do you see that question and that answer?

A. Yes.

Q. Were you asked that question and gave that answer?

A. Yes.

Q. Is that correct?

A. Yes, it is.

Q. Okay. All right. And then I want to direct



1 your attention to another page here, and this is  
2 Fletcher 970. And on line 11, you were asked the  
3 question, "You were interviewed by the detectives in  
4 1995, correct?" And you gave the answer on line 13,  
5 "Yes."

6 A. Yes.

7 Q. And then on line 14, you were asked about this  
8 incident and then line 15, you gave the answer, "Yes."  
9 Were you asked those questions? Did you give those  
10 answers?

11 A. Yes.

12 Q. Okay. So you were asked during the criminal  
13 trial, if the detectives interviewed you in 1995,  
14 correct?

15 A. Yes.

16 Q. But you just don't remember exactly that  
17 interview today?

18 A. No, I don't. Not -- not exact. I kind of  
19 remember now since I've been seeing it, but, you know,  
20 not accurate. I'm still not positive on it, you know?

21 Q. Okay. So seeing this testimony is refreshing  
22 your recollection a little bit that maybe they did come  
23 out and interview you in 1995?

24 A. Yes.

25 Q. Okay. Do you remember what conversations you

1 had with them during that interview?

2 A. No, I don't.

3 Q. Okay. All right. I'm going to ask you to go  
4 back to page 968, line number 11, sir. Do you see that  
5 there?

6 A. Yes, sir.

7 Q. Okay. So line number 11, you described one of  
8 the suspects as having long hair, and you answered,  
9 "Collar length." And then you were asked, "Jheri  
10 curls?" And you answered, "Jheri curls. Makes your  
11 hair look longer than what it usually is." And then you  
12 were asked, "And you described the height as being  
13 between five-six and six feet for the first suspect?"  
14 And your answer is, "Yes." Were you asked those  
15 questions? Did you give those answers?

16 A. Yes.

17 Q. Okay. Do you recall this?

18 A. Yes, I do.

19 Q. Okay. And then on line 21, you're asked, "And  
20 his approximate weight between 160 and 170 pounds?" And  
21 you gave the answer, "Yes." Do you recall being asked  
22 that and giving that answer?

23 A. Yes.

24 Q. Okay. And then on line 24, you're asked, "And  
25 you estimate his age to be in the late 20s?" And your

1 answer is, "Late 20s or early 30s." Do you remember  
2 that -- being asked that question and giving that  
3 answer?

4 A. Yes.

5 Q. And is that correct?

6 A. Yes, it is.

7 Q. Okay. And then the next question is, "And the  
8 second suspect, you characterized him as having a  
9 ponytail?" And you gave the answer, "Yes." And then  
10 you were asked, "And him being five-eight, five-nine,"  
11 and you gave the answer, "Yes." And then you were  
12 asked, "Weight approximately 160, 170 pounds?" And you  
13 gave the answer, "Yes." Do you remember being asked  
14 those questions and giving those answers?

15 A. Yes, I do.

16 Q. And are all those answers that you gave at  
17 this criminal trial, correct?

18 A. Yes.

19 A. Okay. And then you were asked on line 10,  
20 "You don't know either of these men?" And you answered,  
21 "No, I don't."

22 A. Yeah.

23 Q. Do you remember being asked that and giving  
24 that answer?

25 A. Yes.

1 Q. Is that correct?

2 A. That's correct.

3 Q. And then on line 12, you're asked, "Did any of  
4 the suspects refer to each other by name at the time?"  
5 And your answer is, "No, they didn't." Do you remember  
6 being asked that and giving those answers?

7 A. Yes, sir.

8 Q. And is that correct?

9 A. That's correct.

10 Q. Okay. All right, sir. If you look at 973,  
11 line 8. Are you there, sir?

12 A. Yes.

13 Q. Okay. The question is, "Police detectives in  
14 2002 came back and discussed this case with you?" And  
15 your answer is, "Correct." You see that?

16 A. Yes.

17 Q. Were you asked that question? Did you give  
18 that answer?

19 A. Yes.

20 Q. Okay. And then you were asked on line 11, "At  
21 that time they showed you a photo array?" And you gave  
22 the answer. "They had seven photos." Were you asked  
23 that question? Did you give that answer?

24 A. Yes.

25 Q. And is that correct?

1 A. Yes, it is.

2 Q. Okay. And then line 14, "When you viewed  
3 these photos, you weren't sure at the time, 100 percent  
4 sure of who the suspect was?" And you gave the answer,  
5 "From the photo, I was. I told them I wanted to see the  
6 person in person." Were you asked those questions and  
7 gave those answers?

8 A. Yes.

9 Q. Okay. And then line 19, "But at the time when  
10 they came to visit your house, you said you weren't  
11 sure?" And your answer is, "Right. I had picked out a  
12 photo. I had told them the one I thought it was. I  
13 have to see them in person." Were you asked those  
14 questions? Did you give those answers?

15 A. Yes.

16 Q. Okay. And you previously testified that you  
17 picked out the photo that the police told you to pick  
18 out, correct?

19 A. Yes.

20 MR. MICHALIK: Object to the form.

21 BY MR. STARR:

22 Q. Sir, that's all that I have with this document  
23 right now. Put that aside. Thank you. All right, sir.  
24 I'm going to show you what I'm going to mark as Exhibit  
25 number 4. And for the record, these are Bates stamped

1 Fletcher 553 through 559, okay? All right, sir. Take a  
2 look at those photographs and those documents I just  
3 gave you and let me know when you're done reviewing  
4 them.

5 (EXHIBIT 4 MARKED FOR IDENTIFICATION)

6 A. Yeah, okay.

7 BY MR. STARR:

8 Q. Okay. And sir, these are photographs that  
9 were produced in this case. They are photographs that  
10 appear to have been taken off of the Illinois Department  
11 of Corrections website. Do you see that at the top  
12 there, sir?

13 A. Yes.

14 Q. Okay. And these are photocopies, so they're  
15 poor quality, okay?

16 A. Yes.

17 Q. Do these photos appear to you to be the photos  
18 that you were shown in 2002 when Detectives Bogucki and  
19 Schalk came to your house?

20 A. Yes. Yes, sir.

21 Q. Okay. These look like the photos. Okay. And  
22 you previously testified that there was names along with  
23 the photos, correct?

24 A. Yes.

25 Q. And do you see the names on these documents?

1 A. Yes. --

2 Q. And then there's some additional information.  
3 You previously testified there was additional  
4 information. Do you see that, sir?

5 A. Yes, I see that, too.

6 Q. Okay. So you think these are the photos you  
7 were shown during the 2002 photo array, correct?

8 A. Yeah, I think these are the ones.

9 Q. Okay. And you can't remember if these photos  
10 that were shown to you in 2002, whether they were in  
11 color or black or white, correct?

12 A. No. I remember they were in color.

13 Q. Okay. Okay. I'm going to show you another  
14 set of photos, sir. All right. So these are going to  
15 be marked Exhibit number 5. And for the record, these  
16 are City JF 192 through 197. I got to put an Exhibit  
17 number on there. Let me have this one. Put an exhibit  
18 number on that one too, and that one. Take a look at  
19 those photos, sir, and let me know when you're done. Did  
20 you have a chance to review those photos, sir?

21 (EXHIBIT 5 MARKED FOR IDENTIFICATION)

22 A. Yes.

23 BY MR. STARR:

24 Q. Okay. And sir, have you ever been arrested  
25 before in your life?

1 A. Yes.

2 Q. Okay. Have you ever had a mugshot taken?

3 A. Yes.

4 Q. Okay. Do you know what a mugshot looks like,  
5 then?

6 A. Yes.

7 Q. Okay. And if you look at the photos starting  
8 on 193 through 197, do you recognize those as mugshot  
9 photos, sir?

10 A. Yes.

11 MR. MICHALIK: Object to form. Foundation.  
12 BY MR. STARR:

13 Q. Okay, sir. Do you know if you've ever been  
14 shown these photos by any Chicago Police personnel  
15 before?

16 A. They -- they look familiar, but I'm not -- not  
17 100 percent sure on the -- the photos.

18 Q. Okay. What looks familiar?

19 A. The photos.

20 Q. Okay. Just the photos in general or anything  
21 in particular about the photos?

22 A. This looks like the ones that they showed me  
23 back then, you know.

24 Q. Okay. In 2002?

25 A. Right.



1 Q. Okay. So maybe the detectives showed you  
2 these photos in addition to the IDOC photos that you  
3 previously testified they showed you?

4 MR. MICHALIK: Object to the form of the  
5 question.

6 A. I -- I -- I'm not understanding you.  
7 BY MR. STARR:

8 Q. Yeah, let me -- let me ask it again then. Do  
9 you have a recollection of the police showing you the  
10 exhibits -- the photos that are Exhibit number 4, the  
11 IDOC photos right here, sir?

12 A. Yeah. I remember them photos, yeah, but these  
13 here I -- I'm not 100 percent sure on these photos, no.

14 Q. Okay. Do you think that the police showed you  
15 these in 2002 when they showed you these photos in  
16 Exhibit 4?

17 A. No. They didn't show me these at the same  
18 time.

19 Q. Okay. So they didn't show you these photos at  
20 the same time, correct?

21 A. No.

22 Q. Okay. And you don't know whether or not they  
23 showed you these photos at any point in time, correct?

24 A. No, I'm -- I'm not for sure on these here.  
25 Right here.

1 Q. Okay. Your -- do you recognize anybody in the  
2 photos?

3 A. No, I don't.

4 Q. Okay. All right. You can put that aside for  
5 right now, sir. Let me go back to Exhibit number 4, the  
6 photos that we previously looked at, okay?

7 A. Yes.

8 Q. You identified one of the men in these photos,  
9 correct?

10 A. Yes.

11 Q. Okay. And you identified the man that the  
12 detectives pointed out, correct?

13 A. Yes.

14 Q. Okay. And you identified this first photo,  
15 this is Arnold Dixon, correct?

16 A. Yes.

17 Q. Okay. And this is the man that the --  
18 Detectives Bogucki and Schalk told you had been -- was a  
19 suspect in this case, correct?

20 MR. MICHALIK: Objection to form.

21 A. That's correct.

22 BY MR. STARR:

23 Q. And this is the man, Arnold Dixon, on 553 --  
24 Fletcher 553, that Detectives Bogucki and Schalk told  
25 you that Sheenee Friend and another man had previously

1 identified prior to you, correct?

2 MR. MICHALIK: Objection to form.

3 A. Correct.

4 BY MR. STARR:

5 Q. Okay. And this is the man that Detectives  
6 Schalk and Bogucki told you -- the man that's in 553 --  
7 that they told you that Terry Rogers had given them as a  
8 name for a suspect, correct?

9 MR. MICHALIK: Objection to form.

10 A. That's correct.

11 BY MR. STARR:

12 Q. And the man on 553 that you identified, this  
13 is the photograph of the man that Detective Bogucki and  
14 Schalk pointed at prior to your identification, correct?

15 MR. MICHALIK: Objection to form.

16 A. That's correct.

17 BY MR. STARR:

18 Q. Okay. And the man in Fletcher 553 that you  
19 identified, this is the man who had the big lips that  
20 the detectives pointed out, correct?

21 MR. MICHALIK: Objection to form.

22 A. That's correct.

23 BY MR. STARR:

24 Q. Okay. All right. One more exhibit here, sir.  
25 I think I'm going to marked this as Exhibit number 6.

1 Thank you. This is a group exhibit because it is not in  
2 numerical order. But for the record -- I apologize. For  
3 the record, this is City JF 4566, 4569, 4577, and 4578.  
4 All right, sir. Take a moment to review these  
5 photographs. Did you have an opportunity to review  
6 these photographs in Exhibit 6?

7 (EXHIBIT 6 MARKED FOR IDENTIFICATION)

8 A. Yes.

9 BY MR. STARR:

10 Q. All right, sir. And do you recognize these  
11 photographs, sir?

12 A. Yes. Yes, I do.

13 Q. And are these photographs of the lineup that  
14 you viewed in 2002, sir?

15 A. Yes, it is.

16 Q. Okay. And are these the men that were in the  
17 lineup, to the best of your recollection, sir?

18 A. Yes, they are. Yes, they are.

19 Q. Okay. And if you look on the last two pages,  
20 4577 and 78, do you see the man in that photograph, sir?

21 A. Yes, I do.

22 Q. And is this the man that you identified during  
23 the lineup that you viewed in 2002, sir?

24 A. Yes, sir.

25 Q. And, sir, is this the man that the Detectives

1 Bogucki and Schalk indicated had the big lips?

2 MR. MICHALIK: Objection to form.

3 A. Yes, it is.

4 BY MR. STARR:

5 Q. Okay. And is this the man in the photograph  
6 that the Detectives Bogucki and Schalk showed you when  
7 they came to your home in 2002?

8 A. Yes, it is.

9 Q. And is this the man that was in the photograph  
10 that Detective Bogucki and Schalk indicated that was the  
11 suspect in this case?

12 MR. MICHALIK: Objection to form.

13 A. Yes, it is.

14 BY MR. STARR:

15 Q. And is this the man that Detectives Bogucki  
16 and Schalk told you, before you identified him, that two  
17 other people had identified him?

18 A. Yes, it is.

19 MR. MICHALIK: Objection to form.

20 BY MR. STARR:

21 Q. And is this the man that Detectives Bogucki  
22 and Schalk told you, before you identified him, that  
23 Terry Rogers had identified as a suspect?

24 MR. MICHALIK: Objection to form.

25 A. Yes, it is.

1 BY MR. STARR:

2 Q. Okay. And did you pick this man out because  
3 you recognized this man from the photograph that you  
4 were shown previously in 2002?

5 A. Yes, I did.

6 Q. Okay. Mr. Cooper, have you told us everything  
7 you know about the 1990 shooting of Willie Sorrell, sir?

8 A. Yes, I have.

9 Q. Okay. Have you been truthful today, sir?

10 A. Yes, I have.

11 MR. STARR: Okay, I have no further questions.

12 Thank you.

13 CROSS-EXAMINATION

14 BY MR. STEFANICH:

15 Q. Mr. Cooper, my name is Brian Stefanich. I  
16 represent Detectives Bogucki, Detective Schalk,  
17 Detective Noradin, and Sergeant Anthony Wojcik, okay?  
18 I'm going to ask you some questions. First, do you have  
19 any memory of a Detective Anthony Noradin? Do you have  
20 any memory of interacting with him?

21 A. No, I don't.

22 Q. Do you have any memory of interacting with a  
23 sergeant by the name of Tony Wojcik?

24 A. Not that I can remember.

25 Q. Okay. And do you recall what Detective Schalk

1 looked like?

2 MR. STARR: Objection. Asked and answered.

3 A. The only thing I -- male, white, and probably  
4 around about 5'10", something like that. That I can  
5 remember.

6 BY MR. STEFANICH:

7 Q. Sure. Okay. I want to ask you a couple of  
8 questions about your trial testimony in the criminal  
9 matter in 2005. You testified for the prosecution in  
10 that case; is that correct?

11 A. Yes.

12 Q. Okay. And you indicated when Mr. Starr was  
13 asking you questions that you met with the assistant  
14 state's attorney; is that correct?

15 A. Yes.

16 Q. Do you recall who you met with prior to trial?

17 A. I don't remember a name. It was a lady.

18 Q. Does the name Aidan O'Connor ring a bell?

19 A. Yeah, that -- yes, it does.

20 Q. Okay.

21 A. O'Connor, yes.

22 Q. And you think -- after hearing that name, do  
23 you think Ms. O'Connor is who you met with?

24 A. Yes.

25 MR. STARR: Objection. Calls for speculation.

1 BY MR. STEFANICH:

2 Q. How many times did you meet with Ms. O'Connor?

3 A. At least three times. I'm not for sure how  
4 many times.

5 Q. And the first time that you met with  
6 Ms. O'Connor, where did that take place?

7 A. In 26th and California.

8 Q. Do you recall if anybody else was present when  
9 you met with Ms. O'Connor?

10 A. No, I don't remember.

11 Q. What do you recall about that meeting?

12 A. We were just going over -- went over about the  
13 trial and what was said.

14 Q. Was she going over questions and answers that  
15 she would ask you at the trial?

16 A. Yes.

17 Q. At that first meeting with Ms. O'Connor, did  
18 you tell her that you were only 50 percent sure about  
19 your identification of Mr. Fletcher?

20 A. Yes, I did.

21 Q. What did she say?

22 A. I -- I don't exactly remember what she said,  
23 but she was saying -- we just went over about -- you  
24 know, about features and -- and stuff like that there,  
25 you know, and about the Terry -- Terry Rogers and stuff



1 like that, what she -- he had told the -- well, what he  
2 had told the detectives and stuff.

3 Q. Do you recall when approximately this first  
4 meeting with Ms. O'Connor was?

5 A. No, I don't.

6 Q. Did you tell Ms. O'Connor during this first  
7 meeting that Chicago police officers pointed out a photo  
8 to you when they came to your house in 2002?

9 A. No. I told her about the -- the -- the photos  
10 and stuff.

11 Q. Sure. So when you were telling her about the  
12 photos, did you actually tell her that the detectives  
13 pointed out one of the photos when they were at your  
14 house?

15 MR. STARR: Objection. Asked and answered.

16 A. I'm not for sure what all I told her back  
17 then.

18 BY MR. STEFANICH:

19 Q. Did you tell Ms. O'Connor, during that first  
20 meeting that you had with her, that the police officers  
21 told you to look at the lips when you were viewing the  
22 photo array in 2002?

23 MR. STARR: Objection. Asked and answered.

24 A. No, I'm not for sure what I told her on that.

25 BY MR. STEFANICH:

1 Q. Did you tell Ms. O'Connor in the first meeting  
2 that you had with her prior to Mr. Fletcher's criminal  
3 trial that the police said that Terry Rogers gave them  
4 the name Fletcher when they met you at your house in  
5 2002?

6 MR. STARR: Objection. Asked and answered.

7 A. Yeah, I think I -- for sure I told her that.  
8 BY MR. STEFANICH:

9 Q. You told her that?

10 A. Yeah.

11 Q. What did she say when you told her that?

12 A. I'm not for sure what she said, you know,  
13 about it.

14 Q. Did you tell Ms. O'Connor, during that first  
15 meeting that you had with her prior to Mr. Fletcher's  
16 trial, that the police told you that two other witnesses  
17 identified Mr. Fletcher when you talked to the police at  
18 your house in 2002?

19 MR. STARR: Objection. Form, foundation,  
20 asked and answered.

21 A. I'm not for sure on that question. I -- I  
22 don't remember the questions that she asked me, you  
23 know. I don't -- I don't remember what she asked me or  
24 not for sure.

25 BY MR. STEFANICH:

1 Q. Sure. So I -- I'm actually asking you a  
2 little bit different of a question. I'm asking you what  
3 you told her.

4 A. Yeah, but what I'm saying is I -- I don't --  
5 from me talking with her, it's the only thing I can  
6 remember telling her I was not for sure if that was him  
7 or not. I told her I -- I told her I was 50 percent  
8 sure or 75 percent sure and that's what I testified when  
9 we went to -- went to trial. And that's the only thing  
10 I know. I -- probably me talking with her, I don't  
11 remember the conversation that me and her had, you know.

12 Q. Okay. So you said a lot of -- would you agree  
13 that you said a lot of new things today that you didn't  
14 say at your criminal trial?

15 MR. STARR: Objection. Form. Foundation.

16 A. Only thing -- like I said, the questions that  
17 they asked me and that she asked, I guess I didn't know  
18 the questions that I answered for her.

19 BY MR. STEFANICH:

20 Q. When was the first time ever that you recall  
21 telling anyone that in 2002 the police officers pointed  
22 out the photo during the photo array to you?

23 A. When do I remember that?

24 Q. When was the first time you remember saying  
25 that to anyone?

1           A.    I don't exactly remember who I told about it.  
2    I remember telling somebody about that because, matter  
3    of fact, it was Ms. O'Connor, I think. I told her about  
4    the police had shown me the photos and stuff, and then  
5    they told me that Terry Rogers had told them. I -- I  
6    remember telling her maybe he had got arrested or  
7    something and -- and told them about Fletcher.

8           **Q.    Okay.**

9           A.    And I told -- I said, maybe they -- they made  
10   an error, let him go for that -- for that information,  
11   you know?

12          **Q.    Okay. So your memory is the first person you**  
13   **told about the police pointing out the photo in the**  
14   **photo array to you in 2002 was Ms. O'Connor?**

15          A.    Yes.

16               MR. STARR: Objection. Form. Foundation.

17               Mischaracterizes his prior testimony.

18   BY MR. STEFANICH:

19          **Q.    And that conversation with Ms. O'Connor was**  
20   **before Mr. Fletcher's criminal trial?**

21               MR. STARR: Objection. Form. Foundation.

22          A.    It was before --

23               MR. STARR: Calls for speculation. Let me get  
24   my objections on the record. Sorry.

25          A.    It was before -- but what I'm saying -- well,

1 I talked to someone else before I talked to her and --  
2 and let them know that about the -- they had pointed it  
3 out -- pointed him out. I -- I don't -- I think it was  
4 an investigator or somebody. I'm not for sure, though.

5 BY MR. STEFANICH:

6 Q. Okay.

7 A. Yeah.

8 Q. So I'll get to that in a second. I just want  
9 to focus on Ms. O'Connor first. Do you remember  
10 anything that Ms. O'Connor said when you told her that  
11 the police pointed out the photo in the photo array in  
12 2002?

13 MR. STARR: Objection. Form. Foundation.  
14 Mischaracterizes his prior testimony. Asked and  
15 answered.

16 A. No, I don't remember the questions that she  
17 asked.

18 BY MR. STEFANICH:

19 Q. Okay. And you also just said that you told  
20 somebody else before you told Ms. O'Connor?

21 A. Yeah. It was -- I don't know. I think it was  
22 a private investigator because, matter of fact, they had  
23 came to my job and -- they had came to my job looking  
24 for me.

25 Q. Mr. Starr showed you a document, Exhibit

1 number 2, which is from Jim Zarnick, a private  
2 investigator?

3 A. Who?

4 Q. Exhibit number 2. So it's this document. Do  
5 you think Jim Zarnick is the private investigator you  
6 told that the police pointed out the photo in the photo  
7 array in 2002?

8 MR. STARR: Objection to form. Foundation.  
9 Calls for speculation. Asked and answered.

10 A. It's probably --

11 MR. STEFANICH: Well, I asked if he knew who  
12 he was, and he said he didn't know who he was.

13 A. I -- I don't -- I don't remember. So I know  
14 it's a private investigator. I don't know which,  
15 because if I'm not mistaken, it was two that came. One  
16 -- one -- I do remember one was a man, a male Black, and  
17 then there was a lady that came out, but I don't know  
18 who it was. I don't remember.

19 BY MR. STEFANICH:

20 Q. So there was a male Black private investigator  
21 and a female investigator that was with him; is that  
22 correct?

23 A. No, they weren't together. They was two  
24 separate times that they came.

25 Q. Oh, two separate incidents?

1 A. Yeah.

2 Q. Okay. So let's talk about the male Black  
3 investigator first. Is he the investigator that came to  
4 your job?

5 A. No, he came to my house.

6 Q. He came to your house? And was this before  
7 the criminal trial or after the criminal trial?

8 A. It was before.

9 Q. Besides the investigator being a male Black,  
10 do you recall anything about him?

11 A. No, I don't.

12 Q. Was he someone that was working for James  
13 Fletcher?

14 MR. STARR: Form, foundation, speculation.

15 A. I'm not for sure who he was working for. I'm  
16 not -- I don't remember who he was working for.

17 BY MR. STEFANICH:

18 Q. And this male Black investigator that came to  
19 your house, you told him that the police pointed out a  
20 photo to you prior to your identification of a photo in  
21 the 2002 photo array --

22 MR. STARR: Objection.

23 BY MR. STEFANICH:

24 Q. Is that correct?

25 A. Yes.

MR. STARR: Form, foundation. Mischaracterizes  
prior testimony.

BY MR. STEFANICH:

Q. And what did the male Black say in response to  
that?

A. I -- I -- I -- I'm not -- I'm not sure what he  
said. I'm not -- I don't remember what he said or not,  
you know.

Q. And there was a second investigator, a female  
investigator; is that correct?

A. Yes.

Q. Okay. And this is a separate incident, right?

A. Yeah.

Q. Okay. And was the female investigator male or  
sorry -- was the female investigator white?

A. Yes.

Q. Do you recall her name?

A. No, I don't.

Q. Do you recall anything else about the female  
white investigator?

A. No, I don't.

Q. And where -- did she come visit you  
personally?

A. Yeah, came to the job.

Q. Okay. And was this before or after



1 Mr. Fletcher's criminal trial?

2 A. I'm not for sure whether it was after or  
3 before.

4 Q. Do you know if this white female was an  
5 attorney?

6 MR. STARR: Objection. Form, foundation,  
7 speculation.

8 A. No -- I'm sorry.

9 BY MR. STEFANICH:

10 Q. It's okay. And you told this white female  
11 that the police pointed out a photo to you prior to your  
12 identification of anyone in the 2002 photo array; is  
13 that correct?

14 MR. STARR: Objection. Form, foundation.

15 A. Yes.

16 BY MR. STEFANICH:

17 Q. Okay. And what did the white female say in  
18 response to that?

19 A. I don't remember what she said.

20 Q. Okay. So I want to go back to Ms. O'Connor.  
21 Okay. So we talked about your first meeting with her  
22 and I think you indicated that you had three meetings  
23 with her?

24 A. I -- I think I -- if I can remember, it was  
25 three meetings --

1 Q. Okay.

2 A. -- we had before trial.

3 Q. Okay. What do you recall about the second  
4 meeting with Ms. O'Connor?

5 A. This -- just the questions that she were going  
6 ask me when we go to trial.

7 Q. Okay. Do you recall if anybody else was  
8 present with you and Ms. O'Connor during that second  
9 meeting?

10 A. I don't remember nothing like that, no.

11 Q. And in this second meeting with Ms. O'Connor  
12 did you again tell her that you weren't 100 percent sure  
13 on your identification?

14 A. Yes, I did.

15 Q. Do you recall what she said in response to  
16 that?

17 MR. STARR: Objection. Form, foundation,  
18 speculation.

19 A. No, I don't remember what she said.

20 BY MR. STEFANICH:

21 Q. Did you again tell Ms. O'Connor at this second  
22 meeting that the police pointed out a picture in the  
23 2002 photo array with you?

24 MR. STARR: Form, foundation, calls for  
25 speculation, mischaracterizes his prior testimony.

1 A. On the second I don't remember what all was  
2 said. I know she was just prepping me for the -- for  
3 the trial.

4 BY MR. STEFANICH:

5 Q. Did you tell Ms. O'Connor at the second  
6 meeting you had with her that during the 2002 photo  
7 array the police told you to look at the lips?

8 MR. STARR: Objection. Form, foundation.  
9 Calls for speculation.

10 A. No, I'm sorry.

11 BY MR. STEFANICH:

12 Q. It's okay.

13 A. I'm -- I -- I don't remember that -- about  
14 that. I can't remember.

15 Q. Did you tell Ms. O'Connor at the second  
16 meeting that you had with her that the police told you  
17 during the 2002 photo array that two other witnesses had  
18 identified Mr. Fletcher?

19 MR. STARR: Form, foundation, calls for  
20 speculation.

21 A. Not that I can remember.

22 BY MR. STEFANICH:

23 Q. Besides going over the testimony that she was  
24 anticipating asking you about, do you recall anything  
25 else about the second meeting you had with Ms. O'Connor?

1 A. No, I don't.

2 Q. Okay. Going to the third meeting you had with  
3 Ms. O'Connor, was that at 26th and California as well?

4 A. Well -- well, the meetings I had all of them  
5 was at 26th and California.

6 Q. Okay. Do you recall a third meeting with  
7 Ms. O'Connor?

8 A. Not really. I don't recall it, the third  
9 meeting.

10 Q. Okay. So we know -- you know that there was  
11 at least two meetings. Is that fair to say?

12 A. Yes, I am.

13 Q. Okay. Okay. So I want to -- I want to have  
14 you look at your criminal trial testimony, which is  
15 Exhibit 3. So if we go to page 934, it says in line 14,  
16 "Witness sworn." Do you recall being put under oath  
17 prior to testifying at Mr. Fletcher's criminal trial?

18 A. Yes, sir.

19 Q. Okay. And you told the truth at  
20 Mr. Fletcher's criminal trial; is that correct?

21 MR. STARR: Objection. Asked and answered.

22 A. I -- I told what -- what I could remember from  
23 at the trial.

24 BY MR. STEFANICH:

25 Q. Okay. And what you could remember was the

1 truth then, right?

2 MR. STARR: Asked and answered.

3 A. Like I said, I -- I was only 75 percent sure  
4 when I give an answer.

5 BY MR. STEFANICH:

6 Q. And you testified and testified to that,  
7 right?

8 A. Yeah.

9 Q. Okay. Okay. So earlier today when you were  
10 describing the armed robbery and shooting, you mentioned  
11 that one of the offenders put the -- put a gun to your  
12 side; is that correct?

13 A. Yes.

14 Q. Okay. And that's something that you remember  
15 today, correct?

16 A. Yes.

17 Q. Okay. Was -- and I think -- and I think you  
18 testified this morning that you remember one of the  
19 offenders had big lips; is that correct?

20 A. Correct.

21 MR. STARR: Objection. Form, foundation,  
22 asked and answered.

23 A. Yes.

24 BY MR. STEFANICH:

25 Q. Was the offender that put the gun to your

1 side, was that the offender who had the big lips?

2 A. Yes.

3 Q. And if we can go to page 939, line 14, you  
4 were asked, question, "Did both of those men get into  
5 the truck also?" Answer, "Yes." Question, "Now the man  
6 that you said was leaning, what was he leaning on?"

7 Answer, "He got like the dashboard like -- we call it a  
8 buck head in the truck. He was laying up on the buck  
9 head of the truck. You could take it out where you  
10 could see the engine inside the truck." Question, "What  
11 was the other man doing while that man was leaning on  
12 that part of the truck?" You go to page 940. Answer,  
13 "He had a gun in my side." Question, "Which one?"  
14 Answer, "The gentleman there." Question, "You just  
15 pointed to someone. Who are you pointing at? Describe  
16 something that person is wearing today for the record."  
17 Answer, "A blue shirt, blue tie, and black pants." Were  
18 you asked those questions and did you give those  
19 answers?

20 A. Yes.

21 Q. And was that accurate testimony?

22 MR. STARR: Objection. Form and foundation.

23 A. Yes.

24 BY MR. STEFANICH:

25 Q. And was that truthful testimony?

1 MR. STARR: Asked and answered.

2 A. Far as I can remember.

3 BY MR. STEFANICH:

4 Q. Okay. And the person that you pointed to when  
5 you were testifying at trial was James Fletcher; is that  
6 correct?

7 A. Yes, I did.

8 Q. Okay. During the robbery, did one of the  
9 offenders go through your pants pockets?

10 A. Yes.

11 Q. Okay. Was that offender that went through  
12 your pants pocket the person with the bigger lips?

13 A. No, I'm not for sure because one -- one had  
14 the gun out and I'm paying more attention to the gun in  
15 my side than I was going through my pocket.

16 Q. Okay. Let's see what you said at trial. So  
17 if you go to page 941 starting at line 2, question,  
18 "Which man went through your pocket?" Answer, "The  
19 gentleman sitting there." Question, "The defendant here  
20 in court?" Answer, "Right." Does that refresh your  
21 recollection on which offender went through your pocket?

22 A. Yes.

23 Q. Okay. And that testimony that I just read,  
24 that's accurate testimony?

25 MR. STARR: Objection to form, foundation.

1 Asked and answered.

2 A. What you just read, yeah.

3 BY MR. STEFANICH:

4 Q. And that's truthful testimony, right?

5 MR. STARR: Same objections.

6 A. I said that the man that went through my  
7 pocket, yeah.

8 BY MR. STEFANICH:

9 Q. Okay. And the person that you identified in  
10 court was James Fletcher, correct?

11 MR. STARR: Objection.

12 A. Yes.

13 MR. STARR: Strike that.

14 MR. STEFANICH: Are you striking the  
15 objection?

16 MR. STARR: Yeah, sorry.

17 BY MR. STEFANICH:

18 Q. Your answer was yes, Mr. Cooper?

19 A. Yeah.

20 Q. Okay. You testified this morning that one of  
21 the offenders told the other one to shoot you; is that  
22 correct?

23 A. Yes.

24 Q. Okay. Was the offender that was saying to  
25 shoot you, was that the offender with the big lips?



1 A. Yes.

2 Q. Okay. And if we can go to the next page 942  
3 starting at line 2, question, "What was holding the  
4 safe?" Answer, "Four bolts that hold it." Question,  
5 "What happened when you told him that?" Answer, "The  
6 guy kept telling the other guy to go on and shoot me."  
7 Question, "Which guy was saying shoot him?" Answer,  
8 "The gentleman sitting there." We asked those questions  
9 and did you give those answers?

10 A. Yes.

11 Q. And were your answers accurate?

12 MR. STARR: Form. Foundation. Asked and  
13 answered.

14 A. As far as I can remember, yes.

15 BY MR. STEFANICH:

16 Q. Okay. And was your testimony truthful?

17 MR. STARR: Same objections.

18 A. What I thought at that time, yes, sir.

19 BY MR. STEFANICH:

20 Q. Okay. And the person that you were  
21 identifying as the gentleman sitting there, that was  
22 James Fletcher, correct?

23 A. Yes. Yes, sir.

24 Q. Okay. And then if we can skip ahead to page  
25 948, so starting at line 15, you were asked, "Now does

1 the Defendant today look any different than he looked on  
2 December 21st of 1990? If so, how?" Answer, "He looks  
3 different now. He is bigger, stockier, and his hair is  
4 different." Question, "What did his hair look like back  
5 on December 21st of 1990?" Answer, "He had a Jheri curl  
6 about collar length." Question, "Where could you see  
7 that Jheri curl?" Next page, 949. Answer, "He had a cap  
8 on. You could see -- that's the kind of stuff you put  
9 in there with the spray and stuff." Question, "Could  
10 you see his hair like on the back?" Answer, "On the  
11 back of the collar." Question, "You said collar  
12 length?" Answer, "The back collar." Question, "What was  
13 he wearing?" "Dark-colored pants with like a baseball  
14 cap." Question, "Did he have a jacket on?" Answer, "He  
15 had one of those Starter jackets on." Were you asked  
16 those questions and did you give those answers?

17 A. Yes.

18 Q. Okay. And was that truthful testimony?

19 A. Yes.

20 MR. STARR: Objection. Form, foundation.

21 BY MR. STEFANICH:

22 Q. Was that accurate testimony?

23 MR. STARR: Same objections.

24 BY MR. STEFANICH:

25 Q. Was that testimony that I just read, were your

1    answers accurate?

2           A.    Yeah, when I got it, yes.

3           Q.    Okay.  We'll come back to the testimony so you  
4    can put that aside, too, for a second.  If you can look  
5    at Exhibit number 5, which is this group of photos that  
6    read -- this one.  The first picture, Exhibit number 5,  
7    page 192, do you recognize that person?

8           A.    No, I don't.

9           Q.    Is that Terry Rogers?

10          A.    It look -- it look like him but I can't tell  
11    from this -- from this photo.

12          Q.    But it looks like Terry Rogers?

13          A.    It looks like him.

14          Q.    Okay.

15          A.    But I'm not sure that's him.

16          Q.    Sure.  I think after you looked at your  
17    affidavit you said you started to vaguely recall being  
18    interviewed in 1995; is that correct?

19          A.    Right.

20          Q.    Okay.  Were these the photographs that were  
21    shown to you in 19 -- were these photographs shown to  
22    you in 1995?

23               MR. STARR:  Objection.  Form, foundation.

24               Asked and answered.  Also speculation.

25          A.    No, I don't remember these.  I'm not sure

1 these are the photos or not. I don't remember these  
2 photos.

3 BY MR. STEFANICH:

4 Q. Okay. If we can go back to your trial  
5 testimony, page 972 starting at line 12, you were asked  
6 questions, "Sir, in 1995 detectives came to visit you.  
7 Did you discuss this case?" Answer, "They brought some  
8 photos." Question, "For you to view?" Answer, "Right."  
9 Question, "Did you discuss this case with them at that  
10 time?" Answer, "They asked me did I recognize anybody  
11 in the photos that they brought that robbed me." Does  
12 that testimony that I just read refresh your  
13 recollection on being shown photographs in  
14 1995?

15 A. The 1995, I just -- you know, some parts that  
16 I kind of remember. I can't just remember the stuff  
17 that happened in '95. I -- for some reason, I don't --  
18 I tried to know -- since I've been sitting here, I've  
19 tried to think over it. But the -- the 1995, I guess  
20 it's not clear to me now.

21 Q. That's understandable. It's 2023 now, right?  
22 When you testified at Mr. Fletcher's trial, that was in  
23 2005, correct?

24 A. Yeah.

25 Q. Okay. So that was closer in time to 1995 than

1 where we're at today, right?

2 A. Right.

3 Q. Okay. And you wouldn't have lied after you  
4 took an oath in Mr. Fletcher's criminal trial, correct?

5 A. Well, like I said, I believed it was him  
6 because, like I say, I talked to Terry -- Terry Roger's  
7 brother. He told me that Terry told him that was the  
8 guy.

9 Q. Sure.

10 A. And that's what made me really believe that  
11 was --

12 Q. Yep. I understand that. And we're going to  
13 get to that. My question, I guess I needed to be more  
14 specific. You wouldn't have lied about the 1995  
15 interview with detectives at Mr. Fletcher's trial,  
16 correct?

17 A. No, not if I thought -- didn't think it was  
18 him or not. I -- I -- I just really believed it was  
19 him. I thought everybody was, you know, from what they  
20 was telling me.

21 Q. Okay.

22 A. Yeah.

23 Q. Okay. So I want to go to the photo array in  
24 2002, okay, when the officers came to your house?

25 A. Okay.

1 Q. You testified that you were inside your house;  
2 is that correct?

3 A. Was -- was in the hall and -- and I -- when  
4 you come in my -- in the door, I -- I got some steps  
5 that leads up to -- I could either go down to -- and  
6 downstairs or they got to go upstairs and we -- we  
7 didn't go. We just stayed in the hallway.

8 Q. Okay. And they police officer spread the  
9 photographs across the stairs, correct?

10 A. Correct.

11 Q. Okay. And the police officers asked you  
12 whether you saw anybody that robbed you; is that  
13 correct?

14 A. Yes.

15 Q. Okay. If you could turn to page 952 on your  
16 criminal trial testimony.

17 A. Okay.

18 Q. Starting at line 4, were you asked these  
19 questions and did you give these answers? Question,  
20 "Were you able to pick anyone out of the photo array as  
21 someone being involved in that crime?" Answer, "Yes, I  
22 was." Question, "Who was that?" Answer, "The gentleman  
23 sitting there." Question, "The defendant here in court  
24 today?" Answer, "Yes, ma'am." Were you asked those  
25 questions and did you give those answers?

1 A. Yes, I did.

2 Q. Okay. And you didn't tell the jury in  
3 Mr. Fletcher's criminal case that prior to you picking  
4 out the defendant's photo that the police officers  
5 pointed to his photo; is that correct?

6 A. That's correct.

7 Q. Okay. And you didn't tell Mr. Fletcher's jury  
8 that prior to you picking out Mr. Fletcher's photo in  
9 the photo array that the police officers told you to  
10 look at the lips; is that correct?

11 A. They didn't ask me that question in trial.

12 Q. And you didn't tell them that anyways, right?

13 A. No, I didn't.

14 Q. Okay. And you didn't tell the jury at  
15 Mr. Fletcher's criminal trial that prior to you picking  
16 out Mr. Fletcher's photo in the 2002 photo array that  
17 the police officer told you that two other witnesses  
18 IDed Mr. Fletcher; is that correct?

19 A. That's correct.

20 Q. If you can take a quick look at Exhibit number  
21 4 which is the bad copy of the photos -- the ID photos.  
22 So you were asked some questions by Mr. Starr about the  
23 information at the bottom of the page. Do you recall  
24 those questions?

25 A. Yes.

1 Q. Okay. When you were in your house in 2002  
2 with the police officers for the photo array, you didn't  
3 look and consider the information at the bottom of this  
4 page; is that correct?

5 MR. STARR: Objection. Form, foundation.  
6 Calls for speculation. Asked and answered.

7 A. I -- I seen the information on it and I looked  
8 at it because that's their -- they had laid it across  
9 the step. They were better -- the photos looked better  
10 than this here.

11 BY MR. STEFANICH:

12 Q. Sure.

13 A. And you can see the -- the writing much  
14 clearer.

15 Q. Okay. So let's go to your trial testimony. Go  
16 to page 975 starting on line 18 where you were asked  
17 these questions and did you give these answers?

18 Question, "When the police gave you these photos in 2002  
19 to view, did you study them carefully?" Answer,

20 "I just looked at all the pictures, at the  
21 photos they gave me." Questions: "So you did not look  
22 at any other information on the pictures?" Answer, on  
23 the next page 976. "No, I didn't." Were you asked  
24 those questions and did you give those answers?

25 A. Not that I can remember at this -- at this



1 time. I don't remember.

2 Q. You don't remember these questions and these  
3 answers?

4 A. No, I don't.

5 Q. Okay.

6 A. You said 975, right?

7 Q. 975 and 976.

8 A. I don't remember, yeah, if I looked at them or  
9 not. I know the writing back then was more clear than  
10 the one you're looking at now, and you could -- you  
11 know, you could see the writing. I just -- I didn't pay  
12 that much attention to it, but I -- I saw it on there.

13 Q. That that was going to be my next question.  
14 Did you pay any attention to the writing on the  
15 pictures?

16 MR. STARR: Form, foundation. Asked and  
17 answered, speculation.

18 MR. STEFANICH: Sure. Let me rephrase.  
19 BY MR. STEFANICH:

20 Q. Other than noticing that there was writing,  
21 did you pay any attention to it when you were looking at  
22 the photos?

23 MR. STARR: Same objections.

24 A. Not that much until I just looked at some of  
25 the names that was on there in this -- this -- I didn't

1 just keep no focus on that, you know, the name. I was  
2 looking at the pictures.

3 BY MR. STEFANICH:

4 Q. And the name on the first page of Exhibit 4 is  
5 Arnold Dixon, correct?

6 A. Yes.

7 Q. Okay. It's not James Fletcher; is that  
8 correct?

9 A. Correct.

10 Q. Okay.

11 A. Thinking about it now, for me just thinking  
12 about it now --

13 Q. Sure.

14 A. -- when they showed me the pictures, they did  
15 show -- say all of them did have the same name with --  
16 with Dixon.

17 Q. Sure. Yeah. You can --

18 A. I just thought -- I'm talking when the police  
19 had the lineup and put them on -- on the step, me  
20 thinking about it now, the name -- just about -- I think  
21 all the pictures it had on there was Dixon.

22 Q. Yeah. So if you look at --

23 A. That's why -- that's why what I say, I was  
24 thinking about the name on -- on the photograph because  
25 all the names was just about the same.

1 Q. Yep. And the name Dixon, that didn't mean  
2 anything to you; is that correct?

3 A. No. It didn't mean nothing to you. But  
4 that's what made me think about the -- the -- the  
5 writings on the -- on the -- on the -- on the -- on the  
6 picture. Well, I paid a little -- I didn't pay that  
7 much attention to it, but what made me pay attention to  
8 it they took all the -- all them last names was Dixon.

9 Q. Okay. So I want you to go in your trial  
10 testimony to page 973 now. So Mr. Starr asked you a  
11 couple questions on this page starting on line 19. For  
12 context, this is questions about the 2002 photo array at  
13 your house. So the question that you were asked was,  
14 "But at the time when they came to visit your house, you  
15 said you weren't sure?" Answer, "Right. I picked out a  
16 photo. I told them the one I thought it was. I have to  
17 see them in person." Do you see that testimony there?

18 A. Yes.

19 Q. Okay. My question is, in 2002 when you were  
20 at your house, did you tell the police officers that you  
21 wanted to see the person that you picked out in person?

22 A. Yes, I -- they -- the question they asked me  
23 was -- course where I come to the lineup, I told them  
24 yes. I said, I -- because I have to see him in person.

25 Q. Okay. Did you think seeing him in person

1 would have made you more sure of your identification?

2 A. Yes.

3 Q. Okay.

4 A. The -- the quality of pictures was better.

5 Q. Okay. Okay. So now I want to go to the  
6 lineup at the police station, okay? So if we look at  
7 page 984 of your trial testimony, line 4. Question,  
8 "When you viewed the line-up at Area 1 Headquarters, did  
9 you tell the detective that you are positive that the  
10 man you identified was the shooter?" Answer, "Yes, I  
11 did." Were you asked that question or did you give that  
12 answer?

13 A. Yes, I did.

14 Q. Okay.

15 MR. STARR: Can I get that page number again?

16 MR. STEFANICH: Yeah. 984 lines 4 through 8.

17 MR. STARR: Thank you.

18 BY MR. STEFANICH:

19 Q. And that was accurate testimony that you gave;  
20 is that correct?

21 MR. STARR: Objection to form, foundation,  
22 speculation.

23 A. After they told me about the -- the lips, I --  
24 that's why I looked at the lips and that's why I went  
25 back.

1 BY MR. STEFANICH:

2 Q. Prior to the lineup, you testified earlier  
3 today about a conversation you had with an African  
4 American police officer; is that correct?

5 A. Yes.

6 Q. Okay. And can you describe what occurred in  
7 that conversation?

8 A. Well, when I came in and we was talking. And  
9 he just, and he said, "You come about James Fletcher?"  
10 And I told him yeah, he -- he tell -- he -- he had  
11 arrested him down around Cabrini-Green, said for the  
12 same thing, you know, a lot of robberies and stuff going  
13 over there. Someone there -- and someone got caught  
14 for the same things.

15 Q. Mr. Starr asked you a couple of questions  
16 about your trial testimony relating to Terry Rogers. And  
17 in your trial testimony, you testified that when you  
18 were chasing the offenders, Terry Rogers actually ran  
19 with you; is that correct?

20 A. Well, he -- I -- I was not that -- for sure  
21 that he was with me, or if he was behind me, telling me  
22 to stop. He kept on telling me, don't chase he -- he  
23 going kill you. Don't -- don't -- don't chase that no  
24 more. That what he -- what he was saying, about  
25 following me -- running with me now. He was not running

1 with me.

2 Q. Oh, I see.

3 A. He has -- he had come when I got -- when I --  
4 when I turned around to come back, I didn't see him  
5 then. But -- and I -- when I went went back to the  
6 truck on Central and Madison, I didn't see him no more  
7 after that, you know.

8 Q. So when was the -- so you came out of Uncle  
9 Remus' Restaurant, correct?

10 A. Yes.

11 Q. And that's when you saw Terry Rogers.

12 A. Right. He was -- when I walked out to go to,  
13 I had a tray. I had both my hand full with -- with  
14 tray. I was going to my truck and I seen him standing  
15 to the side. I said, Hey, Terry, and he dropped his  
16 head down.

17 Q. Okay.

18 A. And he wouldn't look back up. And that's when  
19 the guy set the gun in my side, told me to step on on  
20 the truck.

21 Q. Okay. Where was Mr. Rogers standing when you  
22 exited Uncle Remus' and saw him?

23 A. He -- he was still standing over there, not  
24 too far from the truck, maybe about 20 feet from the  
25 truck.

1 Q. Okay. And after the offenders took your money  
2 and ran away and you chased after him, was Terry Rogers  
3 still standing in the same spot?

4 MR. STARR: Objection. Foundation.

5 A. I'm not -- I'm not for sure. When -- when  
6 I -- when the guy had the gun in my side, he kept  
7 telling another guy to shoot me. When they stepped out  
8 the truck, he just -- he turned a little bit, and I  
9 pulled my gun and we started shooting. When we not --  
10 when the shooting stopped, everybody was ran, was  
11 running.

12 BY MR. STEFANICH:

13 Q. Okay.

14 A. So where -- where Terry was then, I don't  
15 know.

16 Q. Okay. So when's the next time you remember  
17 Terry Rogers?

18 A. When he was running -- when I was chasing  
19 after them, they were shooting at me and I was shooting  
20 at them.

21 Q. Okay.

22 A. Terry was telling me to stop. They want --  
23 they going -- they are kill you. And -- and when we ran  
24 about, I ran for about maybe about four or five blocks  
25 behind them to see when they went into a building.

1 That's when I turned around, I didn't see Terry no more  
2 after that.

3 Q. So is it when you ran by Terry Rogers, he just  
4 told you to stop?

5 A. No. He was -- he was behind me, not --

6 Q. Okay.

7 A. -- that -- I didn't run past him. He was  
8 standing east of me. We ran west.

9 Q. Okay. I understand. Got it. You talked a  
10 little bit about a female that was a witness to this  
11 crime too, Sheenee Friend?

12 A. Yes.

13 Q. Okay. What do you recall about her in this  
14 incident?

15 A. When I first pulled up to -- pulled up to --  
16 to -- to make my delivery, she she came, she -- she --  
17 hey, Mr. Cooper. So I -- I -- I got -- I'm going to the  
18 line, I need some -- you got any quarters and stuff, I  
19 need some quarters. I said, well, you going have to. I  
20 said, right now -- I said, I'm going to take the stuff.  
21 I said, what you-all come out? And I said, what I have.  
22 So when I went in, I came out. She was still standing  
23 at the -- she -- the guy walked, when they had the gun  
24 on me, told me to step on the truck. They took me right  
25 past her.



1 Q. Okay.

2 A. Because she was at -- she was -- she -- she  
3 was like, about two feet from the truck. They walked me  
4 right past her to the truck.

5 Q. Okay. You said she told you she was going to  
6 the laundromat?

7 A. Yeah. To the laundromat. The laundromat is  
8 on the -- was on the -- the -- the southeast corner. And  
9 we was on the -- on the southwest corner, my Uncle Remus  
10 there.

11 Q. Was she ever in the truck with you?

12 A. No, she was not in the truck.

13 Q. Once the offender put the gun to your side, do  
14 you know what happened to Ms. Friend?

15 A. Yeah, she was looking at everything, what was  
16 going on.

17 Q. Okay.

18 A. But she -- I mean, she didn't scream out or  
19 say nothing like that, you know?

20 Q. Okay. So I have a couple questions on your  
21 affidavit, which is Exhibit 1. So this looks like you  
22 signed this in 2011; is that correct?

23 A. Yes.

24 Q. Okay. So after you testified at  
25 Mr. Fletcher's trial, when was the next time anybody

1 came to talk to you about this case?

2 A. I'm not for sure.

3 Q. How did this affidavit come about?

4 MR. STARR: Objection. Form, foundation.

5 A. I forgot. I just came about that on this here.

6 BY MR. STEFANICH:

7 Q. Did you type the words written in this?

8 A. No, I ain't typing.

9 Q. Okay.

10 A. No, I ain't type nothing.

11 Q. Okay.

12 A. Nope.

13 Q. Okay. So is it fair to say that at some  
14 point -- let me ask you this. On page 2, the notary is  
15 Charmaine Candler. Do you know who that is?

16 A. No, I don't.

17 Q. Okay. Do you remember being actually sworn  
18 under oath before signing this affidavit?

19 A. No, I don't remember that either.

20 Q. Okay. On Page -- on page 2, there's a post-it  
21 note or a post-it fax note with the name Jennifer Blagg.  
22 Do you know who Jennifer Blagg is?

23 MR. STARR: Objection. Asked and answered.

24 A. No, I don't know who it is.

25 BY MR. STEFANICH:

1 Q. It's fair to say that prior to you signing  
2 this affidavit, you would've had to talk to somebody; is  
3 that correct?

4 A. Yeah. I talked to someone.

5 Q. Okay.

6 A. I can't remember who it was.

7 Q. Okay. How many times do you recall talking to  
8 someone about this case prior to signing this affidavit?

9 MR. STARR: Objection. Form, foundation.

10 A. I can't remember how many times I talked to  
11 nobody. Maybe twice. I -- I -- if I can remember.

12 BY MR. STEFANICH:

13 Q. Okay. Let's go --

14 A. Because I remember -- only thing I remember is  
15 talking to a -- a lady and like I said, and I maybe  
16 talked to her, maybe twice.

17 Q. Okay. What do you -- what do you recall about  
18 the lady that you talked to?

19 A. Nothing really. I don't remember.

20 Q. She African American or white?

21 A. White.

22 Q. What do you recall about your conversation  
23 with this lady?

24 A. I remember that was asking me about what had  
25 happened, you know, what had happened. That's about it.

1 You know?

2 Q. And she was asking you about the photo, right?  
3 In 2002; is that correct?

4 MR. STARR: Objection to form, foundation.

5 A. Not that I can remember about the photo, no.  
6 BY MR. STEFANICH:

7 Q. Okay. Well, if we look at paragraph, it could  
8 be a bad question on my part. So she asked you about  
9 the police coming to your house in 2002 and showing you  
10 photographs; is that correct?

11 MR. STARR: Form. Foundation, speculation.

12 A. Yeah. That, maybe -- I'm not -- I'm not for  
13 sure of the question that she asked right off hand right  
14 now.

15 BY MR. STEFANICH:

16 Q. Okay. Well, in paragraph 8 of this affidavit  
17 that you signed, it talks about, in 2002, detectives  
18 came to your house and they showed you several  
19 photographs; is that correct?

20 A. Yes.

21 Q. Okay. Did you ever tell the lady that came to  
22 talk to you about the affidavit that the police pointed  
23 out a photograph to you prior to you making an  
24 identification?

25 MR. STARR: Form, foundation.

1 A. Not --

2 MR. STARR: Asked and answered. Calls for  
3 speculation.

4 A. Not that I can remember. I -- I -- no. I  
5 could -- I remember telling her I wasn't for sure if  
6 that was him or not. I -- I remember that part of it.  
7 No. And I always told everybody I was not for sure was  
8 that him or not. Because I wasn't 100 percent sure that  
9 was him. I -- like I said, I was going off the pictures  
10 that the police showed me, and by Terry Rogers. Because  
11 I don't who he was, what he was -- what they do.

12 BY MR. STEFANICH:

13 Q. Did you tell the lady that you talked to prior  
14 to signing this affidavit that the police told you to  
15 look at the lips?

16 MR. STARR: Objection. Form, foundation.

17 Asked and answered. Calls for speculation.

18 A. Not that I can remember.

19 BY MR. STEFANICH:

20 Q. Did you tell the lady that you talked to prior  
21 to signing this affidavit that the police told you that  
22 two other witnesses identified Mr. Fletcher?

23 MR. STARR: Objection to form, foundation.

24 Calls for speculation. Asked and answered.

25 A. Not that I remember. I don't know.

1 BY MR. STEFANICH:

2 Q. Okay. And when Mr. Starr was asking you  
3 questions, you provided a description of the offenders.  
4 Do you remember that testimony?

5 A. Yeah.

6 Q. Okay. I think you said that the offenders  
7 were between 5'9" and 6'; is that correct?

8 A. Something like that.

9 Q. 180 to 200 pounds; is that correct?

10 A. Yeah.

11 Q. Both offenders had dark skin; is that correct?

12 A. Right.

13 Q. All right. One offender had long hair and  
14 Jheri curl; is that correct?

15 A. Right.

16 Q. Okay. And the second offender had not as long  
17 of a hair and it was in a ponytail; is that correct?

18 A. Yeah. He had a -- like a -- not -- not no  
19 long ponytail, but it's like a braid up or whatever you  
20 want to call it.

21 Q. Okay.

22 A. The way that they -- well they -- well they  
23 have back different back then. Yeah.

24 Q. And then one of the offenders had the big  
25 lips; is that correct?

1 A. Correct.

2 Q. Okay. Is that description of the offenders,  
3 is that based on your memory today?

4 MR. STARR: Objection. Asked and answered.

5 A. Yes, it is.

6 BY MR. STEFANICH:

7 Q. Okay. Did you tell any police officers that  
8 description of the offenders?

9 MR. STARR: Objection. Asked and answered.

10 A. Yes, I did.

11 BY MR. STEFANICH:

12 Q. Okay. Which police officers?

13 MR. STARR: Objection. Asked and answered.

14 A. I don't remember which one I told that, but it  
15 was the two that came to the house.

16 BY MR. STEFANICH:

17 Q. Okay.

18 A. And they said look at, just when they kept  
19 telling me, look at his lips, because the feature -- I  
20 told them, I said, that's been like about 11 or 12 years  
21 ago. And they said, well, I told him it don't look to  
22 same, like I said, I got -- the features changes. They  
23 say, well you know the lips and stuff don't change, the  
24 nose and stuff don't change. You know, unless you have  
25 an operation, something like that. He say it to me. He

1 said, look at his lips, look at the lips. That's what  
2 they had me focus on, his lips.

3 Q. After you chased the offenders in 1990, you  
4 came back to the scene; is that correct?

5 A. Yes.

6 Q. And the police officers were there, correct?

7 A. Yes.

8 Q. Okay. You talked to the police officers at  
9 the scene, correct?

10 A. Yes.

11 Q. Okay. Did you tell those police officers at  
12 the scene the description that we just went over?

13 MR. STARR: Objection to form, foundation,  
14 speculation.

15 A. Yes. I did.

16 MR. STARR: Asked and answered.

17 BY MR. STEFANICH:

18 Q. Okay. And then in 1990, on the day of the  
19 incident, you went to the police station, correct?

20 A. Correct.

21 Q. And you talked to -- I think you believed it  
22 was Detective Fleming?

23 A. I think it was.

24 Q. Okay. And did you tell Detective Fleming the  
25 description of the offenders that we just went over?



MR. STARR: Form, foundation, speculation,  
asked and answered.

A. Yes, I did.

BY MR. STEFANICH:

Q. Did you tell Detective Fleming that you were  
shooting at the offenders?

A. Yes, I did.

Q. Did you tell that to Detective Fleming the day  
of the shooting, or a couple days after the shooting?

A. I told them the day of the shooting, they  
locked me up.

Q. Okay.

A. I told them the day of the shooting.

Q. Okay.

A. Because they locked me up.

Q. Okay. And who locked you up?

A. Yeah, the police locked me up.

Q. Detective Fleming?

A. I -- I well, it -- it would have had to be  
him.

Q. Okay. And you eventually went back to the  
scene with Detective Fleming to get your gun, right?

A. Correct.

Q. Okay.

A. And he told me if they -- he -- what he told

me was the guy that got killed. He told me they would put it on me. Now that what came out of his mouth.

**Q. Okay. When did you first think that Terry Rogers was involved or set you up?**

A. During the time -- during the time of the shooting.

**Q. During the incident?**

A. Yes.

**Q. Okay. Actually, that was after the incident. Who is Terry Rogers' brother that you talked to?**

A. The name, Dennis Rogers.

**Q. Dennis Rogers. Do you know if he's still alive?**

A. No, I don't. As a matter -- they don't live here anymore, anyway. None -- none of them.

**Q. Do you know where Dennis Rogers lives?**

A. I said he don't -- he -- they used to live here.

**Q. Sure. They live somewhere, right?**

A. Yeah.

**Q. Do you know where they moved to?**

A. No, I don't.

**Q. Okay. Do you have a phone number for Dennis Rogers?**

A. No, I don't.

1 Q. When was the last time you talked to Terry  
2 Rogers?

3 A. Maybe about 20 years ago.

4 Q. Okay. Have you ever talked to Terry Rogers  
5 about this robbery?

6 A. Yes, I have. I talked to him and his mother  
7 about it.

8 Q. Okay. When did you talk to Terry Rogers about  
9 it?

10 A. I don't remember exactly when it was. It  
11 was -- it was after the -- I know it was after the  
12 trial.

13 Q. Okay. So sometime after Mr. Fletcher's trial?

14 A. Yes.

15 Q. What did Terry Rogers tell you about the  
16 shooting?

17 A. Like I said -- I said -- what I believe he  
18 did. He just told -- he -- him and all that -- him and  
19 Fletcher knew -- knew each other. He was mad with him  
20 about something. What I think he did. He just took  
21 the -- the police had him locked up from -- me and his  
22 mother was real close. She treated me like a son. She  
23 told me that Terry might have just told them that so he  
24 could get out of jail, but they had him locked up.

25 Q. Okay. So Terry's mother told you that Terry

1 might have just said Fletcher was one of the offenders  
2 because the police had Terry locked up; is that correct?

3 A. Yes.

4 Q. Okay.

5 A. And that's how got out.

6 Q. Okay.

7 A. But whatever he had done, that's what -- why  
8 they let him go.

9 Q. What's Terry Roger's mother's name?

10 A. Joanne.

11 Q. Joanne?

12 A. Yeah.

13 Q. Okay. Rogers?

14 A. Yeah. Joanne Rogers.

15 Q. Do you know if she's still alive?

16 A. No, she's not.

17 Q. You also, I think you mentioned that Rogers  
18 and Fletcher knew each other?

19 A. All of them from the same -- from the same  
20 neighborhood.

21 Q. Okay.

22 A. Yeah. Everybody in that neighborhood, whoever  
23 on drugs or whoever doing anything, they all do it in a  
24 group together.

25 Q. Okay.

1 A. So I'm quite sure he probably knew him.

2 Q. Okay. Did Ms. Rogers tell you that Terry and  
3 Mr. Fletcher knew each other?

4 A. No. She didn't tell me that they knew each  
5 other. She said, if he -- it might -- he -- he -- he  
6 had to know him to tell me his name, so.

7 Q. Okay.

8 A. But when she told me was, she -- she always  
9 treated me like I was her son. She -- she was -- she  
10 knew that -- that he was up there, Terry was on drugs.  
11 She said -- she said I -- she told me -- said, I'm sorry  
12 that he done you like that. She said, but I believe --  
13 I told her, I believe that he was in on it. That he --  
14 she said, well, I'm sorry that he did -- did you like  
15 that. And she -- she said, I believe that he was in on  
16 it, too. That's what she told me.

17 Q. Okay. Was your conversation with Ms. Rogers  
18 before or after the criminal trial?

19 A. It was after.

20 Q. All right. Is there anything else about the  
21 conversation that you had with Ms. Rogers after the  
22 criminal trial that you can recall?

23 A. Not that I remember.

24 Q. Okay. Okay. So you also said you had a  
25 conversation with Terry Rogers?

1 A. Yeah. Because I was get ready to jump on him.  
2 Because I -- I knew he was in on it.

3 Q. Okay.

4 A. And I figured he was in on it.

5 Q. And you had a conversation with Terry Rogers  
6 after the criminal trial?

7 A. After the criminal, because I didn't see  
8 him -- he's all -- I still was going to their house. So  
9 whenever he knew, they told him I was coming, I told  
10 them, he always left.

11 Q. Okay.

12 A. He never stuck around.

13 Q. So you never talked to Terry Rogers about this  
14 case?

15 A. I -- I talked to him once about this case,  
16 but -- but I -- I didn't do nothing to him then because  
17 his mother was right there.

18 Q. Sure. So let me, finish my question. You  
19 never talked to Terry Rogers about this case before the  
20 criminal trial; is that correct?

21 A. No, I didn't.

22 Q. Okay. It was after?

23 A. Right.

24 Q. Okay. What do you recall about the  
25 conversation you had with Terry Rogers about this case

1 after the criminal trial?

2 A. I kept asking him, I said -- I said I -- I  
3 told him. I said, I went to court on this, man. And I  
4 said, they didn't lock this man up. I said, I'm not 100  
5 percent sure, was that you all was asking was that him?  
6 He never even would tell me was it him or not.

7 Q. Who was it that told you that Terry Rogers was  
8 the person who claimed that one of the offenders called  
9 the other offender Fletcher?

10 MR. STARR: Objection. Form, foundation.

11 Mischaracterizes his testimony. Go ahead.

12 A. The detect -- one of the detective.

13 BY MR. STEFANICH:

14 Q. And you don't recall which one, correct?

15 A. I don't know which one it was.

16 Q. So in your affidavit in paragraph 8, so  
17 paragraph 8's on the first page still. Right here, this  
18 paragraph.

19 A. You said paragraph 8?

20 Q. Yep. The last sentence you say, "Also doing  
21 2002, I was asked to appear before the County Grand  
22 Jury, but I refused because I was not sure of being 100  
23 percent of my identification of the offender." Do you  
24 see that?

25 A. Yes.

1 Q. Okay. Who asked and that's truthful and  
2 accurate, correct?

3 A. Yes.

4 Q. Okay. Who asked you to appear in front of the  
5 Cook County Grand Jury?

6 A. I'm not for sure who had -- who that was that.

7 Q. Okay. Was that -- was that one of the  
8 detectives?

9 MR. STARR: Objection. Asked and answered.

10 A. I'm not for sure. Who that -- was it -- who  
11 that was that asked me that.

12 BY MR. STEFANICH:

13 Q. When did that happen?

14 A. That would be -- happened before the trial.

15 Q. Sure. So was it after the detectives came to  
16 your house and showed you the photograph?

17 A. I'm not -- I'm not for sure of that. Only --  
18 I know when they kept -- they -- police were coming to  
19 the house. Sometimes I -- I wouldn't answer the door.

20 Q. Okay.

21 A. Like I said because I knew what they wanted. I  
22 like I said, I didn't want to send nobody to jail, and I  
23 wasn't 100 percent sure, was that him or not? And I was  
24 trying to find out, was it -- was it -- was it really  
25 him?



1           **Q.     Okay.**

2           A.     And I never did find out what -- that's why I  
3     always told everybody I was between 50 to 75 percent  
4     sure or not was that him. By his lips and stuff. I was  
5     never 100 percent sure was that him. And I didn't want  
6     nobody just to go to jail because of what happened,  
7     because it was -- I -- I don't know if you ever had a  
8     gun pull on you before. I don't know if that ever  
9     happened to you. I've been shot. I lost a left kidney.  
10    That's why I stopped doing deliveries. When I was on the  
11    milk truck, I got shot, lost my left kidney for --  
12    for -- from a robbery. Same thing there, they put a gun  
13    to my side, tell me they'd kill me. So I don't know if  
14    you ever been in that situation before yourself.  
15    It's -- it is kind of rough, you know? So that's why I  
16    don't want to just go send somebody to jail saying that  
17    this was -- you know, they -- I was not -- and I'm not  
18    for sure that's him or not.

19           **Q.     And you testified at trial that you were 75**  
20 **percent sure?**

21           A.     Right. I told -- I told -- I told  
22    Ms. O'Connor I was not for sure was that him or not.

23           MR. STARR: Late objection. Asked --

24           A.     I thought -- I told her only 75 percent sure.  
25    That's when you were prepping me for the trial. I said,

1 I -- I only 75 percent sure if that's him or not.  
2 Because she was prepping me. But she want -- the  
3 question that she was going to ask me when I come to  
4 trial.

5 MR. STARR: Belated objection. Asked and  
6 answered. Sorry.

7 BY MR. STEFANICH:

8 Q. And not only did you tell Ms. O'Connor that  
9 you were 75 percent sure, but you also told the jury,  
10 right? That you were 75 percent sure?

11 A. Yes.

12 MR. STEFANICH: Okay. Okay. Hey, that's all  
13 the questions I have.

14 EXAMINATION

15 BY MR. MICHALIK:

16 Q. Mr. Cooper. My name is Paul Michalik. I  
17 represent the City, and I just want to clarify a lot of  
18 things. Sorry about that. So I'm going to skip around  
19 a little bit. I just want to follow up on a couple  
20 things. So if you get lost or if I am confusing, please  
21 let me know.

22 A. Okay.

23 Q. I want to make sure you understand right where  
24 I'm at.

25 A. Okay.

1 Q. All right. In terms of Exhibit number 1, it's  
2 the affidavit. I think earlier you told Mr. Starr that  
3 you gave the affidavit to Jennifer Blagg, but then when  
4 you were talking to Mr. Stefanich, you weren't sure  
5 about who it was that you gave it to. Can you clarify  
6 that?

7 A. Not -- yes. I -- I don't remember exactly who  
8 it was. Because -- all I know it was a lady. That's  
9 all, you know, like I said, it was -- it was a lady.

10 Q. Okay.

11 A. I don't remember her name.

12 Q. And it was a white lady.

13 A. Yeah.

14 Q. So I think you also testified that after the  
15 2000 photo array with the detectives, two to three days  
16 later, you went to the police station for a lineup,  
17 correct?

18 MR. STARR: Objection. Form, foundation. I  
19 think that mischaracterizes testimony.

20 BY MR. MICHALIK:

21 Q. All right. Was it within two or three days  
22 after you looked at the photo array that you went to  
23 look at a lineup at the police station?

24 A. I -- I -- I'm not for sure, but I think it was  
25 like two -- two to three days later.

1 Q. If you take a look at Exhibit number 2. It's  
2 the letter from the private investigator.

3 MR. STARR: It's over there, sir.

4 BY MR. MICHALIK:

5 Q. If you look on the second page, the -- it's  
6 the start of the second paragraph. It says,  
7 "Approximately two to three days later, Mr. Cooper  
8 visited the Chicago Police Department to view a police  
9 lineup." You see that there?

10 A. Yes.

11 Q. Is that accurate?

12 A. Yes.

13 Q. Okay. So after the photo array and then after  
14 the lineup, two to three days later, you talked about  
15 this case with at least three different individuals,  
16 right? There was the State's Attorney, Ms. O'Connor,  
17 correct?

18 A. Correct.

19 Q. And then there was an investigator. I think  
20 you described him as a Black individual?

21 A. Yeah.

22 Q. All right. And then there was the white woman  
23 for whom you gave the affidavit?

24 MR. STARR: Objection. Form, foundation.

25 Mischaracterizes testimony.

1 BY MR. MICHALIK:

2 Q. Was that accurate? That's what you said?

3 A. Yeah. I -- I don't know how many days there  
4 were before I gave this Affidavit.

5 Q. Yeah. Okay. I'm not asking you about that.  
6 I'm just asking about the people that you talked to  
7 about this case after you viewed the photo array and the  
8 lineup.

9 A. Yes.

10 MR. STARR: Form, foundation. Mischaracterizes  
11 his prior testimony.

12 BY MR. MICHALIK:

13 Q. Okay. Was there anyone other than the state's  
14 attorney, the investigator, and the white woman to whom  
15 you gave the affidavit that you talked to about this  
16 case?

17 MR. STARR: Form, foundation. Asked and  
18 answered.

19 A. Other than the, you know, pick different  
20 people on the street, you know, I was trying to find out  
21 where it was they did to them.

22 BY MR. MICHALIK:

23 Q. All right. So for example, I think you told  
24 us that you talked to Terry Rogers, Terry Roger's  
25 mother, and Terry Roger's brother.

1 A. Right.

2 Q. That was after you talked, correct?

3 A. Right.

4 Q. All right. Now you talked to Mr. Stefanich  
5 about some of the things involving the photo array when  
6 you met with Ms. O'Connor, the state's attorney. I want  
7 to focus on that, okay?

8 A. Okay.

9 Q. You told Ms. O'Connor that you couldn't  
10 identify anyone, it -- when the detective showed you the  
11 photo array?

12 MR. STARR: Objection. Form, foundation,  
13 mischaracterizes testimony.

14 A. Not that I -- I don't remember what -- the  
15 conversation with me and her were basically what -- she  
16 were prepping me for the trial.

17 BY MR. MICHALIK:

18 Q. Okay.

19 A. And --

20 Q. Did you tell her that you told the detectives  
21 at the photo array that you could not identify anyone?

22 A. I told her --

23 MR. STARR: Form, foundation. Calls for  
24 speculation. Asked and answered.

25 MR. MICHALIK: How does that call for

speculation.

MR. STARR: Because he already testified, he he doesn't recall what he told her.

MR. MICHALIK: That's what -- that was the question. So.

MR. STARR: So you're asking him to speculate?

A. I -- I told her I was only like 75, 50 to 75 percent sure, was that him or not.

BY MR. MICHALIK:

**Q. And you told her that you told the detectives you were only 50 or 75 percent sure. Is that accurate?**

MR. STARR: Objection. Asked and answered.

A. Yeah.

MR. STARR: Calls for speculation.

BY MR. MICHALIK:

**Q. I think you told us that when you talked to the State's Attorney, Ms. O'Connor, you told her about Terry Rogers and what Terry Rogers had told the detectives?**

MR. STARR: Objection. Form, foundation.

Mischaracterizes the testimony. Asked and answered.

A. Yes.

BY MR. MICHALIK:

**Q. Okay. What was it that you told State's**

1 Attorney O'Connor that the detectives told you about  
2 Terry Rogers?

3 MR. STARR: Same objections.

4 A. You know, I -- I told her what -- that I  
5 thought he was here -- that he -- that he -- was in on  
6 it.

7 BY MR. MICHALIK:

8 Q. you told Ms. O'Connor that you believe Terry  
9 Rogers was in on the robbery?

10 A. Yes.

11 Q. Did you tell Ms. O'Connor that the detectives  
12 told you that Terry Rogers said James Fletcher was in on  
13 the robbery?

14 MR. STARR: Asked and answered.

15 A. Yes, I did. I told her.

16 BY MR. MICHALIK:

17 Q. Okay.

18 MR. STARR: Can I have that question read  
19 back?

20 (REPORTER READS BACK REQUESTED QUESTION)

21 MR. STARR: Okay.

22 BY MR. MICHALIK:

23 Q. When the investigator came out to talk to you,  
24 did you tell the investigator that detectives told you  
25 Terry Rogers mentioned the name James Fletcher?



MR. STARR: Objection. Form. Foundation.

Asked and answered.

A. As far as I can remember I did.

BY MR. MICHALIK:

Q. And when you talked to the white woman about the affidavit, did you tell her that you told -- that the detectives told you that Terry Rogers identified that James Fletcher as being involved in the robbery?

MR. STARR: Form. Foundation.

A. As far as I can remember.

BY MR. MICHALIK:

Q. So as far as you can remember, you told the state's attorney, the investigator, and the white woman who you gave the affidavit to what the detectives told you about Terry Rogers mentioning James Fletcher?

MR. STARR: Form. Foundation.

A. Yeah.

MR. STARR: Speculation.

BY MR. MICHALIK:

Q. When you were talking to Assistant State's Attorney O'Connor, did you tell her about the conversation that you had with the Black police officer prior to your viewing the lineup at the police station?

MR. STARR: Form. Foundation.

A. No, I didn't.

1 BY MR. MICHALIK:

2 Q. Did you tell that to the Black investigator?

3 A. No, I didn't.

4 Q. Did you tell that to the white woman who -- to  
5 whom you gave the affidavit?

6 A. Not that I can remember.

7 Q. Have you ever told that to anyone else before  
8 giving the deposition here today?

9 A. I told to -- I did mention to someone, but I  
10 can't remember who, you know, who I talked to them  
11 about.

12 Q. You mentioned about the conversation with the  
13 Black police officer --

14 A. Yeah.

15 Q. -- before the lineup to someone, but you can't  
16 remember who it was?

17 A. No, I don't.

18 MR. STARR: Object to Form.

19 BY MR. MICHALIK:

20 Q. Do you remember when that conversation took  
21 place?

22 A. It was after the trial.

23 Q. Sometime after the trial. Was it before or  
24 after you gave the affidavit to the white woman?

25 MR. STARR: Objection. Speculation.

1 A. I think it was before.

2 BY MR. MICHALIK:

3 Q. Do you remember the context in which that  
4 conversation came up?

5 A. You talking about me and the officer?

6 Q. No. About when you had a conversation with  
7 someone about what the Black police officer told you  
8 prior to viewing the lineup about James Fletcher and the  
9 Cabrini-Green incident?

10 MR. STARR: Objection. Form. Foundation.

11 A. Not that -- not that I can remember. Only  
12 thing I remember because that's the only way I know  
13 about it. He had been in -- in robberies and -- and  
14 somebody had got killed by -- by that officer. Told --  
15 he the one told me that. Other than that, I didn't have  
16 no recollection of them ever being in.

17 BY MR. MICHALIK:

18 Q. Okay. And maybe you misunderstood my  
19 question. Did you ever tell anyone about that  
20 conversation that you had with --

21 A. Yeah. But I don't remember --

22 MR. STARR: Objection. Asked and answered.

23 A. I don't remember who I told it to. That's --

24 BY MR. MICHALIK:

25 Q. Okay. And you don't remember the context in

1 which you had that conversation?

2 A. No, I don't.

3 Q. When you had the conversation with Terry  
4 Rogers' brother, when he told you that Terry Rogers said  
5 that James Fletcher was involved in the robbery, did  
6 that conversation take place before or after the trial?

7 MR. STARR: Asked. Answered.

8 A. Now you talking about when I talked to your  
9 brother or talked to Terry?

10 BY MR. MICHALIK:

11 Q. When you talked to Terry's brother?

12 A. When I talked to his brother, that was before  
13 the trial.

14 Q. Before the trial. Okay. And in that  
15 conversation, Terry's brother told you that Terry told  
16 him that James Fletcher was involved in the robbery?

17 MR. STARR: Objection. Form. Foundation.

18 Mischaracterizes prior testimony.

19 BY MR. MICHALIK:

20 Q. Did you ever tell the state's attorney,  
21 Ms. O'Connor, anything about the conversation that you  
22 had with Terry's brother?

23 A. No, I didn't.

24 Q. Did you tell that to the investigator who you  
25 talked to about this case?

1 A. No, I didn't.

2 Q. Did you tell that to the white woman to whom  
3 you gave the Affidavit to?

4 MR. STARR: Form. Foundation.

5 A. No, I didn't.

6 BY MR. MICHALIK:

7 Q. Just have one more area that I want to ask a  
8 couple of questions about. Earlier, Mr. Stefanich was  
9 asking you some questions about your testimony at page  
10 942 of Exhibit 3.

11 A. Was that 943?

12 Q. 942. Just to put it in context, this is the  
13 testimony about the individual who was telling the other  
14 person to shoot you, okay? Do you remember that?

15 A. Yeah.

16 Q. All right. So Mr. Stefanich asked about Lines  
17 4 through 8 in which you identified Mr. Fletcher as the  
18 person who was saying to shoot you, correct?

19 A. Yeah.

20 MR. STARR: Objection to form.

21 BY MR. MICHALIK:

22 Q. Okay. And then Mr. Stefanich asked you if  
23 that testimony was truthful and you answered, "Yes." And  
24 then he asked you if it was accurate. Do you remember  
25 those questions?

1 A. Yes.

2 Q. All right. When he asked you if it was  
3 accurate, you said it's what you thought at that time.  
4 Do you remember --

5 A. Yeah, I --

6 Q. -- that answer?

7 A. When somebody got a gun on you, you ain't -- I  
8 mean, your mind ain't -- I don't know what -- what you  
9 looking for, you know, but somebody got a gun on you  
10 stick it in your side -- I had been shot prior before  
11 that. I lost a left kidney, like I said. I'm not  
12 thinking about, you know, the man telling somebody to  
13 shoot me. You know, he telling somebody to shoot me.  
14 I'm not thinking about all this other stuff, you know,  
15 what's going on. You know, I'm -- I'm worried about me  
16 staying alive.

17 Q. Perfectly understandable. So and my question  
18 to you is, when you said it's what you thought at the  
19 time, why did you answer it that way as to whether your  
20 testimony was accurate?

21 A. I -- I -- I couldn't remember --

22 MR. STARR: Objection to form.

23 A. -- which one was telling him, you know, to  
24 shoot me or -- all I know -- I'm looking at the gun in  
25 my side.

1 BY MR. MICHALIK:

2 Q. All right. So you sit here -- I'm sorry. I  
3 didn't mean to cut you off.

4 A. I'm there looking at the gun in my side and  
5 the other -- he got -- he got the gun in my side, but he  
6 telling the other guy that -- the other guy got the gun  
7 pointed me. He telling that guy to shoot me.

8 Q. Okay. So as you sit here today, it's your  
9 testimony that you are not certain as to the individual  
10 who was telling the other individual to shoot you; do I  
11 understand that correctly?

12 A. No. The one that had the gun in my side was  
13 telling the other guy to shoot me.

14 Q. All right. But you can't say which individual  
15 that was --

16 A. No, I can't.

17 Q. -- as you sit here today?

18 A. I can't No.

19 MR. MICHALIK: Thank you, Mr. Cooper. That's  
20 all I have.

21 MR. STARR: I just have a couple followups,  
22 but I need to run to the restroom really briefly.  
23 Let's go off the record.

24 THE VIDEOGRAPHER: We are off the record. The  
25 time is 2:07 p.m.

(OFF THE RECORD)

THE VIDEOGRAPHER: We are back on the record for the deposition of Edward Cooper. My name is Brandon Rackowski. Today is Friday, April 28, 2023. The time is 2:18 p.m.

REDIRECT EXAMINATION

BY MR. STARR:

Q. All right. Mr. Cooper, I just have a few more questions for you. I'll try to get you out of here soon. Sir, you were asked by defense counsel certain questions about conversations you had with a Cook County State's Attorney by the name of O'Connor, correct?

A. Yes.

Q. Okay. Is it correct that you don't fully remember the conversations you had with ASA O'Connor?

A. I don't fully remember the conversation. I -- I remember, you know, she's prepping me for the what -- what was at trial, you know?

MR. STARR: Let's go off the record.

(OFF THE RECORD)

THE VIDEOGRAPHER: We are back on the record for the deposition of Edward Cooper. My name is Brandon Rackowski. Today is Friday, April 28, 2023. The time is 2:20 p.m.

BY MR. STARR:



1 Q. Mr. Cooper, is it fair to say that you do not  
2 have a specific memory of the conversations that you had  
3 with the State's Attorney O'Connor prior to your  
4 testimony at James Fletcher's criminal trial?

5 A. I don't have complete memory of that.

6 Q. Okay. You just remember that you you were  
7 prepping for your testimony, correct?

8 MR. STEFANICH: Objection. Form.

9 A. Correct.

10 BY MR. STARR:

11 Q. Okay. So you don't remember what was actually  
12 -- what ASA O'Connor actually said to you, correct?

13 A. No, I don't.

14 Q. Okay. And you don't remember what you  
15 actually said to ASA O'Connor in response to what she  
16 said to you, correct?

17 A. No, I don't.

18 Q. Okay. And so you can't say one way or the  
19 other, what you actually talked about with her, correct?

20 MR. STEFANICH: Objection. Form.

21 A. Not exactly what I --

22 MR. STEFANICH: Mischaracterizes his prior  
23 testimony.

24 A. Not exactly what I talked to her about.

25 BY MR. STARR:

1 Q. Okay. And so when you were asked earlier by  
2 Defense Counsel about whether or not you told ASA  
3 O'Connor certain things about what happened when the  
4 police showed you a photo array, you can't date for  
5 certain what exactly you told her, correct?

6 MR. STEFANICH: Object to form.

7 A. No.

8 MR. STEFANICH: Mischaracterizes prior  
9 testimony.

10 A. I don't remember exactly what I said to her.  
11 That -- that was so many years ago.

12 BY MR. STARR:

13 Q. Okay. So you remember that you think you  
14 remember that you told her that you weren't certain  
15 about the identification, correct?

16 A. Correct.

17 Q. But beyond that, you can't say specifically --  
18 you don't have a specific memory about what you said to  
19 her, correct?

20 A. Right.

21 MR. STEFANICH: Objection to form.

22 Mischaracterizes prior testimony. Do you have a.

23 BY MR. STARR:

24 Q. Specific memory of telling ASA O'Connor that  
25 the police manipulated the photo identification?

MR. STEFANICH: Objection to form.

A. No, I don't.

BY MR. STARR:

Q. Do you have a specific memory of telling that the police gave you any information about the suspect before you identified --

MR. STEFANICH: Objection. Form.

BY MR. STARR:

Q. -- the suspect?

MR. STEFANICH: Mischaracterize prior testimony.

A. No, I don't.

BY MR. STARR:

Q. Do you have a specific memory that the -- of telling ASA O'Connor, anything about the photo array at all?

MR. STEFANICH: Objection. Form.

Mischaracterize his prior testimony.

A. No, I don't.

BY MR. STARR:

Q. Okay. Do you have any specific memory of telling ASA O'Connor anything about the lineup?

A. No, I don't.

Q. Okay. And then you also testified, sir, about conversations you had with some additional people at

1 some point in time. I believe you said there was a  
2 Black man and a white woman, correct?

3 A. Yes, sir. He was a private investigator or  
4 something. If I -- I -- I remember the guy saying he  
5 was a private investigator, but then I don't know if the  
6 lady said she was a private investigator or not.

7 Q. Okay. So the guy -- let's talk -- let's ask  
8 you some questions about the guy. The guy that told you  
9 he was a private investigator. You don't remember when  
10 he came out and spoke to you, correct?

11 A. No, I don't remember when that he came and  
12 talked to me.

13 Q. Did he show you any kind of badge or any kind  
14 of identification?

15 A. He gave me a -- a card. I remember him gave  
16 me a card. You know, it got, like, a little badge on  
17 the card or something like that.

18 Q. A little badge on like a business card?

19 A. Yeah. On the card.

20 Q. With a badge on it?

21 A. Right.

22 Q. Okay.

23 A. And he also told me after -- I'm not for sure.  
24 I'm -- I'm just -- don't remember for certain, but I  
25 know he was talking about who he worked there for. You

1 know, he -- he was working for somebody else. You know,  
2 he was just an investigator.

3 Q. Okay. And do you remember who he said he  
4 worked for?

5 A. No, I don't.

6 Q. Okay. Do you still have that card that he  
7 gave you?

8 A. No, I don't.

9 Q. Okay. So you don't know if this Black  
10 investigator was in fact an investigator at all,  
11 correct?

12 A. Not -- no. The only thing I know about the  
13 card that he gave me. I remember him giving me a card.

14 Q. Okay. And you don't know if this Black  
15 investigator was a reporter, do you?

16 A. No. No.

17 Q. Okay. You also don't know if this Black  
18 investigator worked for the Chicago Police Department,  
19 do you?

20 A. No, I don't.

21 Q. Okay. So he could have been a reporter,  
22 correct?

23 A. Yeah. He could have been anybody. I don't --  
24 I don't remember. All I know was he told me he was  
25 investigating James Fletcher's case, and he was a -- a

1 private investigator, but he didn't he -- he told me who  
2 he worked for, but I don't remember who exactly who he  
3 said he worked for.

4 Q. Okay.

5 A. And he gave me the card.

6 Q. And he could have been working for the Chicago  
7 Police Department for all you know, correct?

8 A. He could have been.

9 Q. He gave you a card with a badge on it,  
10 correct?

11 A. Yeah. The style on -- in the -- on -- on --  
12 in the corner of it.

13 Q. Okay.

14 A. I remember that.

15 Q. Okay. And this wasn't the same Black  
16 detective that you talked to at the -- at the police  
17 department?

18 A. No.

19 Q. Okay. And you don't specifically remember  
20 what you told that man, correct?

21 A. Right. Basically, just asked me what about  
22 the -- about the -- what -- what -- what had happened  
23 and asked me did -- was I for sure that -- what they  
24 were telling me? I told him at the time -- I always  
25 told everybody I was not 100 percent sure that -- that

1 it was him or not.

2 Q. Okay. And then the white woman -- you don't  
3 know who that white woman was, do you, sir?

4 A. No, I can't remember who she was. I -- I  
5 can't -- I don't remember. I remember basically what  
6 she looked like, you know.

7 Q. And do you recall when it was that she came  
8 out and spoke to you?

9 A. No, I don't.

10 Q. Okay. Was that white woman who came out and  
11 spoke to you the same white woman who you did the  
12 affidavit for?

13 A. I'm not for sure on that neither.

14 Q. Okay. So I think that the Defense Counsel was  
15 conflating that when they were asking you, so let me  
16 just ask it to be clear. So you recall talking to a  
17 Black investigator at some point in time, correct?

18 A. Yes.

19 Q. And you recall talking to a white woman who  
20 you thought was an investigator at some point in time?

21 A. Yeah. Yeah. because she came -- she came to  
22 the job and if I -- if I can remember, she came to the  
23 job and she -- to my job and talked to the -- to the  
24 owner and he gave me the phone number and he told me to  
25 call it because I called.

Q. Okay. What job was that, sir?

A. That's -- that's Prosperity trucking company.

Q. Okay. And when did you start working there again? I'm sorry.

A. And I started working there in -- in '96.

Q. Okay. So it could have been in 1996 that she came out to your job?

A. Right.

Q. Okay.

A. It was my -- it was because I hadn't been working there that long.

Q. Okay. Are you sure that you started working there in 1996?

A. Yes.

Q. Okay.

A. '96 or '95.

Q. Well, the reason I ask it -- and I don't have it in front of me, sir, but I can take a break and get it -- is I believe there's a police document that says something about Prosperity Trucking on the document. So maybe we'll take a break and I'll show that to you.

A. Now it -- '95 or '96. I'm not for sure. I know it was '95 or '96, but if I'm mistaken was in '96.

Q. Okay. That's fair. And you don't remember what you told this woman, correct?



1 A. No, I don't -- I don't remember a conversation  
2 with her. I'm trying to I was trying to think. I -- I  
3 know I had a conversation because the -- because she  
4 came to the job. As far as what happened with it, I  
5 don't remember exactly.

6 Q. Okay. You don't have any specific memories of  
7 anything in particular that you told this woman,  
8 correct?

9 A. No, I don't.

10 Q. And do you have any specific memories of  
11 anything in particular that you told the Black man you  
12 thought was an investigator?

13 A. No. He just asked me a question about what  
14 had happened and I told him what what -- what happened  
15 And he asked me, was I for sure that was James Fletcher?  
16 I told him I wasn't 100 percent for sure. I said, the  
17 only thing I could go by are features of his face.

18 Q. Okay. And then in 2011, you signed an  
19 affidavit. We've established that, correct?

20 A. Yes.

21 Q. So the person that had you sign the affidavit  
22 was a woman. Is that -- is that your testimony?

23 A. Yes.

24 Q. Okay. And is that the same woman who came out  
25 to investigate you and talked to you prior to that?

1 A. I'm not for sure on that.

2 Q. Okay. But it -- the 2011 affidavit is a  
3 different occasion than when you said another woman came  
4 up to talk to you in '95 or '96, correct?

5 A. Right.

6 Q. Okay. You were asked a lot of questions about  
7 your testimony in court. Do you remember being asked  
8 those questions by defense counsel and giving answers in  
9 response to those questions?

10 A. Yes.

11 Q. Okay. And you were asked by Mr. Michalik  
12 about when you said, "that's what I thought at the  
13 time." Do you remember that?

14 A. Yes.

15 Q. Okay. So when you testified in Court, did you  
16 think that you were being truthful and accurate?

17 A. I thought I was being truthful and accurate.

18 Q. And did you think you were being truthful and  
19 accurate at the time you testified because of what the  
20 detectives had told you about the suspect?

21 MR. STEFANICH: Objection. Form.

22 A. Yes, I -- yes, I did. because I was going  
23 by -- like I said, I was going by the features of his  
24 face and his lips. And I was going by the -- I -- when  
25 they told me that Terry was the one that told me, I know

1 that -- the kind of people that he ran with.

2 BY MR. STARR:

3 Q. Okay. So when you testified that James  
4 Fletcher was one of the offenders in -- at his criminal  
5 trial, you did so because of information you learned  
6 from the Chicago Police, correct?

7 MR. STEFANICH: Objection. Form.

8 A. Yes. I did.

9 MR. STEFANICH: Mischaracterizes prior  
10 testimony.

11 A. Yes.

12 MR. STEFANICH: Asked and answered.

13 A. Yes.

14 BY MR. STARR:

15 Q. Okay. And you thought at that time you were  
16 being truthful when you testified?

17 A. Yes, I did.

18 Q. What did, specifically, Detectives Bogucki and  
19 Schalk tell you to make it the case that you thought  
20 that you were testifying truthfully?

21 MR. STEFANICH: Objection. Form. Asked and  
22 answered.

23 A. I told him the pictures I had (Inaudible) that  
24 Rogers was the one that gave -- gave him -- gave him up.

25 BY MR. STARR:

1 Q. Okay. Did it also influence your belief that  
2 you were being truthful and accurate when you testified  
3 when the detectives had previously told you that other  
4 people had identified the same man?

5 MR. STEFANICH: Objection. Form.

6 A. Yes.

7 BY MR. STARR:

8 Q. Do you remember looking at those IDOC photos  
9 and being asked by defense counsel about the names that  
10 are listed on there?

11 A. No, I -- only thing I -- I remember about  
12 the name. It was Dixon. I remember that. Like I said,  
13 I -- I remember that the pictures that they showed me,  
14 they were much clearer than these here. And all of them  
15 last name -- I remember that that last name on there was  
16 Dixon.

17 Q. Okay. So my question was a little bit  
18 different. Do you remember when Defense Counsel asked  
19 you questions about those photos and the names that were  
20 listed on those photos?

21 A. Yes.

22 Q. Okay. And you remember giving answers today  
23 at the deposition about the names in those photos,  
24 correct?

25 A. Right.

1 Q. Okay. Do you know when -- do you have a  
2 specific memory of when the first time you learned James  
3 Fletcher's name is?

4 A. No, not -- when I first learned learned his  
5 name was from -- from the police, though.

6 Q. Right. But do you know specifically when that  
7 was?

8 A. Not specifically, just -- let's see. Not  
9 specifically when it was. I knew I -- I learned from  
10 the name from the police.

11 Q. Okay. So you learned the name James Fletcher  
12 from the Chicago Police. Did you learn it from  
13 Detectives Bogucki and Schalk?

14 A. If I'm not for sure with them, but because  
15 I -- I only talked to maybe about maybe three to four  
16 detectives during that case, you know?

17 Q. Okay. So you can't say one way or the other,  
18 if you learned the name James Fletcher when they came  
19 out to your -- Detectives Bogucki and Schalk came out to  
20 your house in 2002, correct?

21 A. No, I can't.

22 Q. Okay.

23 A. I -- when I went to the police station. Like  
24 I said, the officer I talked to at the police station,  
25 the -- the Black officer, he persistently told me it was

1 James Fletcher from he -- he had previous accounting  
2 with him from Cabrina Green.

3 Q. Okay. So your earliest memory of learning  
4 that the suspect's real name was James Fletcher was when  
5 you were at the police station and you spoke to the  
6 Black detective prior to seeing the lineup lineup,  
7 correct?

8 MR. STEFANICH: Objection.

9 A. Before -- before I seen the --

10 MR. STEFANICH: Mischaracterizes his testimony

11 A. Before I saw the lineup, I learned the name.

12 MR. STEFANICH: Right. So just -- can you  
13 read that question back again? Listen to the  
14 question.

15 (REPORTER READS BACK REQUESTED QUESTION)

16 MR. STEFANICH: Same objection.

17 A. I think -- if I -- I learned his name before  
18 that.

19 BY MR. STARR:

20 Q. Okay.

21 A. I -- I knew his name before that.

22 Q. But you're not sure when?

23 A. Right. I'm not -- but I knew his name before  
24 then. Before --

25 Q. Okay. Let me ask you this then. Do you do

1 have a specific memory of learning the name James  
2 Fletcher from a Black detective when you were at the  
3 police station before you saw the lineup, correct?

4 A. Right.

5 Q. Okay.

6 A. But I -- I -- I'm saying I knew his name  
7 before then, though.

8 Q. Okay. Sir, you were asked about Exhibit 1, a  
9 bunch of questions. I asked you questions about your  
10 affidavit and defense counsel asked you questions about  
11 your affidavit, correct?

12 A. Yes.

13 Q. Before you signed this affidavit in 2011, did  
14 you read the affidavit completely?

15 A. I'm quite sure I did read it around back then.  
16 Yeah, I'm quite sure I read it.

17 Q. Okay. Would you ever sign your name to  
18 something that's allegedly your testimony prior to  
19 reading it?

20 A. No.

21 Q. Okay. I want to ask you something that you  
22 said about the police in 1990. You said that the police  
23 officer you spoke to in 1990 told you that -- strike  
24 that. I'm going to ask you about some testimony you  
25 gave earlier about a conversation you had with the

1 police in 1990. Is it correct that you testified  
2 earlier that the police that you -- the police officer  
3 you spoke to in 1990 told you that he was going to put  
4 the shooting on you if you didn't tell him where your  
5 gun was?

6 A. That's exactly what he told me.

7 Q. Okay.

8 A. They -- they -- they locked me up and kept me  
9 till the next morning.

10 Q. Okay. And did that scare you, sir?

11 A. Yes, it did.

12 Q. Did that make you want to cooperate with the  
13 police?

14 A. Yes, it did.

15 Q. Okay. Did you feel like that was a threat?

16 A. Yes, sir. He grabbed me in my collar and  
17 pushed me up against the wall, hit me up against the  
18 wall and told me they -- they -- they will -- they will  
19 put it on me.

20 Q. Okay. Did that threat that they -- that  
21 the --

22 A. Excuse me. He told me they put the -- the man  
23 that got killed, they would put it on me.

24 Q. Okay. And did you interpret that threat that  
25 they would put the man that got killed on you to mean



1 that they were going to frame you for shooting that man?

2 A. Yes. Yes, I did.

3 MR. STEFANICH: Objection to form.

4 BY MR. STARR:

5 Q. Okay. And did the threat that they were going  
6 to frame you for the shooting of Willie Sorrell make you  
7 want to cooperate with the police in this case?

8 A. Yes, it did.

9 Q. Did that -- did that previous threat that the  
10 police made make you feel like you needed to say and do  
11 whatever the police wanted you to say and do?

12 MR. STEFANICH: Objection. Form.

13 A. Yes, I did.

14 BY MR. STARR:

15 Q. Okay. Couple more questions and then I'll be  
16 done. You testified that you spoke to Terry Rogers'  
17 mother at some point about this incident, correct?

18 A. Yes.

19 Q. I just want to be -- I want to be super clear  
20 about what your testimony is about Terry Rogers' mother.  
21 First of all, you don't know for a fact that Terry  
22 Rogers and James Fletcher knew each other, correct?

23 A. No, I don't.

24 Q. You were making assumption, right?

25 A. Right.

1 Q. Okay.

2 A. They were in the same neighborhood within a  
3 few blocks apart, you know?

4 Q. Okay. So you understood Terry Rogers and  
5 James Fletcher to have at some point lived in the same  
6 neighborhood, a few blocks apart?

7 A. Right.

8 Q. Okay. And so are you assuming that Terry  
9 Rogers knew James Fletcher?

10 A. I assume that he knew him.

11 Q. Okay. Do you know whether or not James  
12 Fletcher knew Terry Rogers?

13 A. No, I don't.

14 Q. Okay. And then Terry Rogers' mother. I'm  
15 sorry. Remind me what her name was.

16 A. Joanne.

17 Q. Joanne?

18 A. Yeah.

19 Q. Okay. And so Joanne Rogers -- is it correct?  
20 Did I get your testimony correct? Joanne Rogers told  
21 you that Terry told her that Terry gave the police the  
22 name James Fletcher because he had been arrested?

23 A. Yes.

24 Q. Okay. So was your understanding from Joanne  
25 Rogers that her son gave James Fletcher's name to get

1 out of an arrest that Terry Rogers had?

2 A. Yes.

3 Q. Okay. And was it your understanding from  
4 talking to Joanne Rogers that Terry Rogers just gave  
5 James Fletcher's name as a -- as a means to an end?

6 A. That's what I believe it was.

7 Q. Okay. And so did Terry -- did Terry Rogers'  
8 mother believe that James Fletcher was involved in the  
9 Willie Sorrell shooting at all?

10 A. No, she didn't -- she didn't know him. She --  
11 I told her, you know, I tell -- I told her that I didn't  
12 want nobody going to jail for the wrong for -- for what  
13 Terry said that they did, you know.

14 Q. And did Terry Rogers' mother, Joanne Rogers,  
15 ever tell you that she had any reason to think that  
16 James Fletcher was in fact involved in the Sorrell  
17 shooting?

18 A. No.

19 Q. And did I also hear you correct that Terry  
20 Rogers' mother told you that she thought Terry Rogers  
21 was in on the Willie Sorrell shooting?

22 A. Yes, she did.

23 Q. What do you mean when you say that Terry  
24 Rogers was in on the shooting?

25 A. She said --

MR. STEFANICH: Objection. Form.

A. -- he always -- he always was a lookout. You know, everybody know he -- he -- he always looked out for somebody else when they were robbing somebody. It was -- like I said, up there, Madison and Central, a lot of deliveries drivers was getting robbed. At that -- during that time a lot of -- and he was -- and everybody knows he was -- he was -- he -- he always been nothing but a lookout man. And that's what made me think that he was in on it. because when I came out the store -- out the restaurant, I said, "Hey, Terry, what going?" He dropped his head. And he never -- he never, you know, every time he used to see me, he would come hug me or something, say, "How you doing?" or whatever, ask me for some money or something. I -- this time he didn't do that.

BY MR. STARR:

**Q. Okay. So am I correct that your testimony is that when Terry Rogers' mother told you that she thought Terry Rogers was in on the shooting that meant that he was involved in the shooting?**

A. Yeah, I -- I believe so. because she -- me and her, she -- ever since I like about three or four years old, I know she kind of, you know, helped raise me up, yeah.

1 Q. Okay. Just a couple more questions real  
2 quick. You specifically remember discussing the  
3 suspect's lips with Detectives Bogucki and Schalk,  
4 correct?

5 A. I remember that, correct.

6 Q. Did -- do you recall whether or not Detectives  
7 Bogucki and Schalk were the first ones to raise the lips  
8 when you were discussing the suspect with him --

9 MR. STEFANICH: Objection.

10 BY MR. STARR:

11 Q. -- them?

12 MR. STEFANICH: Objection. Form.

13 BY MR. STARR:

14 Q. Now, let me rephrase it. It was a badly  
15 phrased question. Before you mentioned the lips of the  
16 suspect, did Detectives Bogucki and Schalk mention to  
17 you anything about the suspect's lips?

18 A. I -- I can't remember that. The only thing  
19 I -- I -- I told them that he had big lips and -- and --  
20 and that's -- that -- that -- they couldn't have told  
21 me -- after I told him that he had big lips, that's when  
22 they told me -- specifically when they pointed at the  
23 picture and told me to pay -- pay attention -- to look  
24 at his lips because that's when they said, lips, nose,  
25 and stuff don't change. He said -- and I told them

1 then -- I said he had -- that he had big lips. And  
2 they -- and then that's the only photo that I saw the  
3 features with, you know, with the big lips.

4 Q. Okay. So there was only one person in the  
5 photo array they showed that had big lips, correct?

6 A. Correct.

7 Q. But you can't recall whether or not they  
8 brought up big lips first or you brought it up first,  
9 correct?

10 A. No, I don't. I -- I might have brought it up  
11 first, but I'm not for sure. No.

12 Q. Okay. And then just briefly back to the  
13 conversation you had with ASA O'Connor. When you  
14 earlier testified that you think that you told ASA  
15 O'Connor information about the police photo array -- the  
16 photo array that Bogucki and Schalk did in 2002 -- were  
17 you speculating or do you know that you actually told  
18 them that --

19 MR. STEFANICH: Objection.

20 Q. -- told her that?

21 MR. STEFANICH: Form. Mischaracterizes --

22 A. I remember that's --

23 MR. STEFANICH: -- testimony.

24 A. -- speculating basically because, you know, we  
25 just sitting down, like we doing just talking and -- and

1 I think I -- I'm not for sure if I brought it up to her  
2 or not, you know? because basically what she was doing  
3 was prepping me just, you know, the question that she  
4 going, ask -- ask me and try to keep it at a yes or no.

5 BY MR. STARR:

6 Q. Right. And so the conversation you had with  
7 ASA O'Connor -- the things that she asked you in that  
8 conversation before your testimony, were they the same  
9 things that she asked you when you were on the stand?

10 MR. STEFANICH: Object to form.

11 A. Yes.

12 BY MR. STARR:

13 Q. Okay. And ASA O'Connor never asked you if  
14 Detectives Bogucki and Schalk pointed at the suspect  
15 before you identified them, did she?

16 A. No. Nobody had never asked me that.

17 Q. If she had asked you that when you were on the  
18 stand, would you have said -- what would you have said?

19 A. I would've told her they did.

20 Q. Okay. And do you have a specific memory of  
21 her ever asking you that at all?

22 A. No. She never asked me that.

23 Q. Okay. But you do have a specific memory that  
24 before you ever made any identification of any -- anyone  
25 in this case, Detectives Bogucki and Schalk pointed to a

1 photograph and told you that that was the suspect?

2 A. Yes.

3 Q. Correct?

4 MR. STEFANICH: Objection to form.

5 Mischaracterizes his testimony.

6 A. Well, they pointed to it and told me that was  
7 him because they -- what they told me was that Terry  
8 told them -- gave -- gave him up and the two witness --  
9 two -- the two witness -- the lady got pointed them out,  
10 told him that that was him.

11 BY MR. STARR:

12 Q. Right. So I understand that. I just want to  
13 get this clean. So your testimony is that Detectives  
14 Bogucki and Schalk told you that Terry Rogers had told  
15 them who the suspect was, correct?

16 A. Correct.

17 Q. And that was before you identified anybody,  
18 correct?

19 A. Yeah, that's correct.

20 Q. Okay. And your testimony is also that  
21 Detectives Bogucki and Schalk told you that two other  
22 people had identified somebody before you looked at the  
23 photo array, Correct?

24 MR. STEFANICH: Objection. Form.

25 A. Correct.



1 BY MR. STARR:

2 Q. And then when you said you couldn't identify  
3 the anyone in the photos, Detectives Bogucki and Schalk  
4 pointed out a photo; is that correct?

5 MR. STEFANICH: Objection. Form.

6 A. Correct.

7 BY MR. STARR:

8 Q. And they told you that the person they were  
9 pointing at was the suspect?

10 MR. STEFANICH: Objection. Form.

11 A. Yes.

12 BY MR. STARR:

13 Q. And they told you that that person they were  
14 pointing at was the suspect that those two other  
15 individuals previously had identified, correct?

16 A. Correct.

17 MR. STEFANICH: Objection. Form.

18 BY MR. STARR:

19 Q. And they told you that that person that they  
20 were pointing at was the person that Terry Rogers had  
21 told them was the suspect, correct?

22 MR. STEFANICH: Objection. Form.

23 A. Correct.

24 MR. STARR: Okay. I have no further  
25 questions.

## 1 RECROSS-EXAMINATION

2 BY MR. STEFANICH:

3 Q. Mr. Cooper. I have a couple follow up  
4 questions. Joanne Rogers -- she wasn't out there in  
5 1990 when the shooting occurred, right?

6 A. No, she wasn't.

7 Q. So she had no idea who was involved in the  
8 shooting, correct?

9 MR. STARR: Objection. Foundation.

10 A. Correct.

11 BY MR. STEFANICH:

12 Q. Okay. In 1990, I believe in the morning  
13 session, when Mr. Starr was asking you questions, you  
14 said that you were -- you would -- you were looking at  
15 photographs in 1990 when you went to the police station;  
16 is that correct?

17 A. Yeah. He gave me some photographs to look at.

18 Q. Okay. And you didn't pick out anybody in  
19 those photographs, correct?

20 A. No, I didn't.

21 Q. Okay. When you were threatened in 1990, that  
22 wasn't by Detective Bogucki, correct?23 A. I don't know. I can't remember what detective  
24 it was. He grabbed me in my collar, pushed me up  
25 against the wall, and told me they would put it on me.

1 He told -- they locked me up and he -- he told me, said,  
2 "I'll be back in the morning and we'll go get the --  
3 your gun."

4 Q. Okay. And so the person that threatened you  
5 was the person that was the detective you went and got  
6 your gun with?

7 MR. STARR: Objection. Foundation.

8 A. --

9 BY MR. STEFANICH:

10 Q. Okay. Was that Detective Fleming?

11 A. I don't remember which detective it was.

12 Q. Okay.

13 A. But he he took me back to -- to get the gun.

14 Q. Okay. In 2002, you previously testified that  
15 one of the detectives was with you when you were viewing  
16 the lineup; is that correct?

17 A. I don't know. I don't remember if both of  
18 them was in there -- in there or not, or just one of  
19 them. I'm not -- I knew someone else was in there.

20 Q. Okay. Besides maybe one or both of the  
21 detectives, was there another person in there?

22 MR. STARR: Objection. Asked and answered.

23 A. Not that I can remember.

24 BY MR. STEFANICH:

25 Q. Okay. After the lineup in 2002, did you speak

1 with an assistant state's attorney? A female assistant  
2 state's attorney?

3 A. Yeah. I don't know -- I don't know if it was  
4 afterwards, but not -- I don't know how long it was  
5 after that.

6 Q. Sure, yeah. So let me ask a better  
7 question. Did you ever speak with an female assistant  
8 state's attorney at the police station?

9 A. No, I -- I don't remember speaking to no --

10 Q. Did you ever speak with a female assistant  
11 state's attorney at your house?

12 A. No, not at the house.

13 Q. You talked to Mr. Starr yesterday; is that  
14 correct?

15 A. Yes.

16 MR. STARR: Asked and answered.

17 BY MR. STEFANICH:

18 Q. Where were you when you talked to Mr. Starr?

19 A. At home.

20 Q. Did you talk to him on the phone?

21 A. Not just -- yes, when -- when he called, yeah.

22 Q. Okay.

23 A. He just called me.

24 Q. Okay. And then did you also talk to Mr. Starr  
25 yesterday in person?

1 A. Yes.

2 Q. Okay. And when you talked to him in person,  
3 were you at your home?

4 A. Yes.

5 Q. How long did you talk to Mr. Starr in person  
6 yesterday?

7 A. No more than 20 minutes, I think.

8 Q. What did you talk about?

9 A. Well, he -- he just asked me what happened.  
10 Just told me when I come in, just -- just try to  
11 remember what happened, and you just be truthful of what  
12 I say.

13 Q. Did you tell Mr. Starr yesterday that the  
14 police pointed to a photo when they were at your house  
15 in 2002?

16 A. Yes, I did. I told him that they laid it on  
17 the -- on my stairs.

18 Q. Okay.

19 A. And pointed it out.

20 Q. Okay. Did he ask you that specific question?  
21 Did he ask you, "Did the police point out a photo?"

22 A. No, he didn't.

23 Q. So what did he ask you that led you to give  
24 that answer? What was the question he asked you?

25 A. He asked me if I -- I recognized him, where I

1 told him that the police had pointed him out to me. We  
2 were talking -- we were talking about -- about his lips.

3 Q. Can I get that answer back?

4 (REPORTER PLAYS BACK REQUESTED TESTIMONY)

5 BY MR. STEFANICH:

6 Q. Did you hear your answer just now?

7 A. Yeah.

8 Q. Okay. Were you talking about Mr. Starr or  
9 were you talking about the police in that answer?

10 MR. STARR: Objection to form.

11 A. About the -- the -- the police in that answer.

12 BY MR. STEFANICH:

13 Q. All right. Okay. So my question was, you  
14 just told me that you told Mr. Starr yesterday that the  
15 police pointed out a photo to you when they were at your  
16 house in 2002, correct?

17 A. Correct.

18 Q. Okay. And I asked you, did Mr. Starr ask you  
19 that specific question, right?

20 MR. STARR: Asked and answered.

21 BY MR. STEFANICH:

22 Q. Is that correct?

23 A. No. We -- I told him that -- that -- that the  
24 police pointed the --

25 Q. Okay. So he never asked you yesterday, "Did

1 the police point to a picture in the photo array at your  
2 house?"

3 MR. STARR: Asked and answered.

4 BY MR. STEFANICH:

5 Q. Is that correct?

6 A. That's correct.

7 Q. Okay. So my question that I think we got  
8 confused on was, what did Mr. Starr ask you that led you  
9 to give the answer that the police pointed out a picture  
10 during the 2002 photo array?

11 MR. STARR: Objection. Form. Asked and  
12 answered.

13 A. Asked -- asked me, did they show me any  
14 pictures and stuff? I told him that they -- that the  
15 pictures that they showed me, I pointed out that they  
16 pointed him, James Fletcher, out to me. So he -- that  
17 he was the one that Terry Rogers told him it was.

18 BY MR. STEFANICH:

19 Q. Okay. So he asked you yesterday, Mr. Starr  
20 asked you yesterday, "Did the police show you any  
21 pictures at your house?" Is that correct?

22 A. Correct.

23 Q. And in response to that question, that's when  
24 you answered that the police pointed out the picture for  
25 you, correct?

1 A. Yes.

2 MR. STARR: Asked and answered.

3 BY MR. STEFANICH:

4 Q. Okay. So why didn't you say that at the  
5 criminal trial when the -- when you were asked, did the  
6 police show you pictures at your house in 2002?

7 MR. STARR: Objection to the form. Foundation.

8 Asked and answered. Calls for speculation.

9 A. They -- they -- they asked me -- they didn't  
10 actually ask me. did I pick him out of lineup. I  
11 told -- asked him was he -- was the -- was he sitting  
12 there? Because I -- they asked me, did I see the person  
13 that I thought they robbed me of? Something like that.  
14 Like, that was the question that they asked me at the  
15 trial.

16 BY MR. STEFANICH:

17 Q. Uh-huh. Okay. And in 2011, when you gave  
18 your affidavit and talked about, in paragraph 8, the  
19 police showing you pictures at your house, why didn't  
20 that prompt the answer of the police pointed out a photo  
21 to you in 2002?

22 MR. STARR: Objection. Form. Foundation.

23 Asked and answered.

24 A. I don't -- I don't know why, I didn't come up  
25 with it. I don't know.



1 BY MR. STEFANICH:

2 Q. Okay. Did you tell Mr. Starr yesterday that  
3 the police told you to look at the lips when you were  
4 looking at the photographs in your house in 2002?

5 MR. STARR: Objection. Form. Foundation.  
6 Asked answered.

7 A. I told them that -- I told the police that  
8 I -- only thing I can remember was -- was his lips,  
9 because he had the gun in my side. I told them I  
10 remember his lips. And that's when they told me to --  
11 pointed at the picture and told me look at -- look at  
12 his lips.

13 BY MR. STEFANICH:

14 Q. Okay.

15 A. And his nose.

16 Q. Okay. So my question was, did you tell  
17 Mr. Starr yesterday at your house when he was there,  
18 that the police told you to look at the -- to look at  
19 the lips in the photographs?

20 A. Yes.

21 Q. Okay. And was your answer yesterday to  
22 Mr. Starr in response to that same question that you  
23 just told us about?

24 A. Yes.

25 MR. STARR: Objection to form.

1 BY MR. STEFANICH:

2 Q. Did you tell Mr. Starr yesterday at your house  
3 that in 2002 when the police were at your house, they  
4 told you that two other witnesses identified  
5 Mr. Fletcher?

6 A. Yes, and that was that.

7 Q. Okay. And what question did Mr. Starr ask  
8 that you responded with that answer?

9 A. He asked me that did I recognize -- recognized  
10 him from -- from a photo. I told -- the police told me  
11 that to look at the lips, and that two other people had  
12 already -- two -- two other witnesses had already  
13 identified him. And that Terry Rogers had told them  
14 that he was the guy.

15 Q. So it's fair to say that Mr. Starr yesterday  
16 didn't ask you the specific question of, did the police  
17 tell you in 2002 that two other witnesses identified  
18 Mr. Fletcher?

19 MR. STARR: Asked and answered.

20 A. No, he didn't tell me that.

21 BY MR. STEFANICH:

22 Q. Okay. Yesterday, when you were speaking with  
23 Mr. Starr at your house, did you tell Mr. Starr about  
24 the black officer's conversation with you prior to the  
25 lineup?

1 MR. STARR: Objection to form.

2 A. Yeah, I told him about that.

3 BY MR. STEFANICH:

4 Q. And what was Mr. Starr's question that led you  
5 to give that answer to him?

6 A. He didn't -- he wasn't asking -- I was -- he  
7 was asking me what happened. What went on when I went  
8 to the police station and stuff. I just told them what  
9 happened, and what -- what -- what --

10 Q. Okay.

11 A. But I told -- I told -- I also told him that I  
12 didn't think that detective -- detective had nothing to  
13 do with the -- do with the case.

14 Q. Okay. So he just asked you what happened at  
15 the lineup? Is that essentially --

16 A. Yeah, he -- he was asking what's in the -- the  
17 police in the -- in the -- in the -- in the room where I  
18 was when I made the identification.

19 Q. Did Mr. Starr tell you yesterday anything  
20 about Mr. Fletcher?

21 MR. STARR: Objection. Form.

22 A. What -- what do you mean?

23 BY MR. STEFANICH:

24 Q. Did Mr. Starr tell you what happened in  
25 Mr. Fletcher's case?

1 A. No, he didn't tell me what happened in the  
2 case.

3 Q. Did Mr. Starr tell you that Mr. Fletcher  
4 received a Certificate of Innocence?

5 A. Received what?

6 Q. A Certificate of Innocence?

7 A. No, he didn't.

8 Q. Besides the mechanics of how the deposition  
9 works, did Mr. Starr tell you anything about this  
10 lawsuit?

11 A. No, I don't -- I didn't know nothing about a  
12 lawsuit.

13 Q. Okay. What else do you recall Mr. Starr  
14 telling you yesterday at your house?

15 A. He didn't tell me nothing else. He told me  
16 about it. I mean, he didn't tell me nothing about no  
17 lawsuits or nothing like this here. What you're talking  
18 about. You know, he just told me he needed me to be  
19 truthful, to try to remember what -- told me to try to  
20 remember what happened, and just be truthful with my  
21 answers.

22 Q. Did Mr. Starr provide you with your trial  
23 testimony? Did he give you a copy of your trial  
24 testimony yesterday?

25 A. No.

1 Q. Is today the first time that you've seen your  
2 trial testimony?

3 A. Talking about this here?

4 Q. I'm talking about Exhibit Number -- that.

5 A. Yeah, that's the first time I've seen this  
6 here.

7 Q. Okay.

8 A. Any of this here.

9 MR. STEFANICH: Okay. Okay. I think that's  
10 all the questions I have.

11 MR. STARR: Just real quick -- follow with  
12 anything.

13 MR. MICHALIK: I do.

14 MR. STARR: Sorry. Go ahead.

15 RE-EXAMINATION

16 BY MR. MICHALIK:

17 Q. Yeah. So I want to just ask you a little bit  
18 about what happened with the detective in 1990. I think  
19 you testified you told Mr. Starr that the detective  
20 threatened to put a murder case on you?

21 A. Yes, he did.

22 Q. All right. So at that time, when you first  
23 were talking to the detectives, you spoke to them at the  
24 scene, correct?

25 A. Yes.

1 Q. All right. And you weren't exactly truthful  
2 with them at first, were you?

3 A. I didn't tell them I had a --

4 MR. STARR: Form.

5 BY MR. MICHALIK:

6 Q. Right. And so you said that you had chased  
7 the offenders, but you did not tell them about the gun,  
8 correct?

9 A. Correct.

10 Q. And in fact, they asked you whether or or not  
11 you had a gun and you said no?

12 A. Correct.

13 Q. All right. But it was later that you told the  
14 detective that you did have a gun?

15 A. Yes. Yes, I did.

16 Q. Right. And at that point, what happened?

17 A. He grabbed me on my collar and told me he'd  
18 put it on me. Because he said -- he said I had a gun to  
19 me. And I told him, yeah, I had the gun. They wanted  
20 to check my gun to make sure that that wasn't the gun  
21 that killed -- that the guy got killed by.

22 Q. All right. And at that point, they kept you  
23 overnight at the police station?

24 A. They locked me on the cell, yes.

25 Q. All right. And the I think you told us that

1 the detective then took you out the next day to go find  
2 the gun?

3 A. Yeah. He took me to go get the gun. I  
4 already knew where it was.

5 Q. Did they find the gun?

6 A. Yes.

7 Q. All right. Was it where you told them they  
8 should look?

9 A. I took them to it and got -- gave it to them.

10 Q. Were you charged with the shooting of  
11 Mr. Sorrell?

12 A. No.

13 Q. Were you charged at all?

14 A. They charged me for -- for firing a gun in the  
15 City of Chicago.

16 Q. All right. So there were some gun charges?

17 A. Yes.

18 Q. That were filed?

19 A. Yes.

20 Q. And also, do you recall whether or not you  
21 were charged with the aggravated assault at the time?

22 A. No. I don't remember what they told them.

23 Q. What happened with those charges?

24 A. It went to court and the judge throw them out.

25 Q. The judge threw them out?

1 A. Yes.

2 MR. MICHALIK: All right. So that's all I  
3 have. Thank you, sir.

4 FURTHER DIRECT EXAMINATION

5 BY MR. STARR:

6 Q. Just really briefly, Mr. Cooper, thank you  
7 again for being here. You were asked about why you  
8 didn't testify in court during Mr. Fletcher's trial that  
9 the police had pointed out the suspect's photo prior to  
10 your invocation. Do you remember being asked those  
11 questions by defense counsel?

12 A. Yes.

13 Q. Okay. Why did you not testify in court that  
14 the police pointed out a photo of the suspect?

15 A. Truthfully, I -- I really thought it was him  
16 after the police told me about that -- that two other  
17 witnesses had already identified, and that Terry Rogers  
18 had stated, so I just really believed -- after that, I  
19 really believed it was him.

20 Q. Okay. So you believed that Mr. Fletcher was  
21 involved in this shooting in 1991?

22 A. Yes, I did.

23 Q. You believed that Mr. Fletcher was involved in  
24 the shooting in 1990, correct?

25 A. Yeah.



1 Q. Okay. And you believe that because of what  
2 the police had told you, correct?

3 A. Correct.

4 Q. Was your belief that Mr. Fletcher was involved  
5 in the shooting based on your memory of the shooting?

6 MR. STEFANICH: Objection. Form.

7 A. I -- I believed that he was involved in it  
8 from -- from -- from when I looked at the photograph, I  
9 looked at his lips when they told me that -- to look --  
10 to pay attention to his lips. And then when I went to  
11 the -- also when I went to the police station and seen  
12 him in the lineup, I believed it was him. And also,  
13 I -- because they told me two other witnesses had  
14 already identified him, in -- which I knew the Shaniqua  
15 [sic] -- I can't remember the name correct name -- that  
16 she was standing right there. We walked right -- they  
17 walked me right past her into -- and put me in the  
18 truck. And they -- they also told me that she was --  
19 had already identified them.

20 BY MR. STARR:

21 Q. Okay. So before you learned any of that  
22 information you just testified to, before you learned  
23 that anybody else had identified him, before you learned  
24 that Terry Rogers had said the name of the suspect,  
25 before you -- the police pointed at the photograph, you

1 looked at a number of photographs that were put in front  
2 of you, correct?

3 A. Yes.

4 Q. And you could not identify James Fletcher or  
5 Arnold Dixon as the shooter that was involved in the  
6 1990 shooting, correct?

7 MR. STEFANICH: Objection. Asked and  
8 answered.

9 A. I couldn't -- I couldn't identify him till  
10 they -- they pointed to his lips and showed me, and I'm  
11 looking at his -- in the face, you know.

12 BY MR. STARR:

13 Q. Okay. You could not identify the photograph  
14 that is listed as Arnold Dixon Bates 553, that's Exhibit  
15 4, you could not identify that man as being involved in  
16 the 1990 shooting until the police pointed at him and  
17 told you to look at the lips and told you that other  
18 people had identified him, correct?

19 MR. STEFANICH: Objection to form.

20 A. That's correct. That's correct.

21 BY MR. STARR:

22 Q. And then lastly, defense counsel asked you  
23 about whether or not I told you that James Fletcher got  
24 a Certificate of Innocence. Do you remember that  
25 question and your answer?

1 A. Yes.

2 Q. Okay. Do you now know that James Fletcher got  
3 a Certificate of Innocence?

4 A. I -- I did not know that.

5 Q. Do you know what a Certificate of Innocence  
6 is?

7 A. Yeah, I could just -- somebody that's been  
8 falsely accused.

9 Q. Right. And do you know that the Certificate  
10 of Innocence -- certificate of Innocence is an order  
11 that a judge enters?

12 MR. STEFANICH: Objection.

13 A. No, I didn't.

14 MR. STEFANICH: Form. Foundation.

15 BY MR. STARR:

16 Q. And do you know that a Certificate of  
17 Innocence is an order that a judge enters in Cook County  
18 stating that the individual was wrongfully convicted?

19 MR. STEFANICH: Objection.

20 MR. MICHALIK: Objection.

21 MR. STEFANICH: Form, foundation. --

22 A. No, I didn't.

23 MR. STEFANICH: Mischaracterizes the order.

24 BY MR. STARR:

25 Q. That was incorrect. I apologize. Let me just

1 retract that and restate that. Did you know that the  
2 Certificate of Innocence is an order that is entered by  
3 a Cook County Judge that indicates that the person that  
4 was -- that was the subject of the order was wrongfully  
5 convicted?

6 MR. MICHALIK: Objection.

7 MR. STEFANICH: Form. Foundation.

8 Mischaracterizes the order.

9 A. No, I didn't know that.

10 BY MR. STARR:

11 Q. And did you know the Certificate of Innocence  
12 indicates that the subject of the Certificate of  
13 Innocence was actually innocent?

14 MR. STEFANICH: Form. Foundation.

15 A. I didn't know whether they're actually  
16 innocent or not, but I -- I -- I didn't -- I know it's  
17 got to be something that just innocent, they're wrongly  
18 convicted or something, yeah.

19 BY MR. STARR:

20 Q. So now knowing that James Fletcher received  
21 an -- a Certificate of Innocence, does that influence  
22 your opinion of whether or not he was involved in the  
23 1990 shooting?

24 MR. STEFANICH: Objection. Form.

25 A. Yes.

1 BY MR. STARR:

2 Q. How does it influence your opinion?

3 A. I -- I guess they did a -- a lot more  
4 investigating and found out that he wasn't involved in  
5 it. Because I don't know if he had a alibi during that  
6 time, or where he was or whatever. I don't know. But,  
7 you know, the only thing I was going by was what the  
8 detectives had told me about they had -- they'd already  
9 been -- they had already been identified in that -- in  
10 the case, you know.

11 Q. But as you sit here today, do you now know  
12 that James Fletcher was innocent of the 1990 shooting?

13 MR. STEFANICH: Objection.

14 A. --

15 MR. STEFANICH: Objection to form. Foundation.

16 MR. MICHALIK: Calls for speculation.

17 BY MR. STARR:

18 Q. You can answer.

19 A. From -- from what I'm hearing now, yeah.

20 Q. Okay. And that's --

21 A. That's why -- that's why I kept on telling  
22 them I wasn't a 100 percent sure, because I didn't want  
23 to see nobody innocent to go into jail, spending no time  
24 in jail because of -- from what -- from what I said, you  
25 know, I wasn't -- I wasn't for sure that was him or not,

1 you know. And from when the police kept telling me that  
2 was him, and then Terry Rogers from -- from running, and  
3 then from the people that identified that -- I know that  
4 was right there on the scene said -- that's why I really  
5 thought it was him. And I'm sorry that he went to jail  
6 for that, you know?

7 MR. STARR: Okay. No further questions. Thank  
8 you, sir.

9 FURTHER CROSS-EXAMINATION

10 BY MR. STEFANICH:

11 Q. I've got a couple follow-up. Before I asked  
12 you about the certificate of Innocence, you've never  
13 heard that phrase before; is that correct?

14 A. No, I not -- not -- not in the specific word,  
15 but I know -- I'm not stupid, I know what it means.

16 Q. You know what innocence means, right?

17 A. I know it's somebody been to -- went to jail  
18 for something they didn't do that.

19 Q. Sure. But you've never heard of the phrase  
20 "Certificate of Innocence," correct?

21 A. No.

22 Q. Okay. And you said -- you said something  
23 interesting that you -- when Mr. Starr was asking you  
24 questions about this topic. That you would assume that  
25 there was some more investigating before --

1           A.    In -- in order -- in order for them to give a  
2   certificate, they had to find something.  Something they  
3   had to find out that he was innocent for it.

4           Q.    You would think whoever was supposed to be  
5   investigating that would actually investigate it,  
6   correct?

7           A.    I -- and I -- why wasn't it done then?

8                   MR. STARR:  Objection.

9   BY MR. STEFANICH:

10          Q.    So my question is, before someone receives  
11   their Certificate of Innocence, you assume that somebody  
12   else would've investigated if someone is worthy of  
13   receiving one, correct?

14                  MR. STARR:  Objection to form.

15   BY MR. STEFANICH:

16          Q.    And you have no idea if that actually happened  
17   in Mr. Fletcher's case, correct?

18                  MR. STARR:  Objection.  Foundation.

19          A.    (Inaudible).

20                  MR. STEFANICH:  Okay.  Those are all the  
21   questions I have.

22                          FURTHER EXAMINATION

23   BY MR. MICHALIK:

24          Q.    Just one upon the same topic.  You don't know  
25   what representations were made to the Court in order for

1 Mr. Fletcher to get a Certificate of Innocence, do you?

2 A. No, I don't.

3 MR. MICHALIK: That's it. Thank you.

4 FURTHER DIRECT EXAMINATION

5 BY MR. STARR:

6 Q. Just briefly. Looking at the Certificate of  
7 Innocence Statute, sir, I'll just tell you that the  
8 Certificate of Innocence, one of the categories is that,  
9 "The petitioner is innocent of the offenses charged in  
10 the indictment or the information, or his or her acts or  
11 admissions charged in the indictment, or information did  
12 not constitute a felony or a misdemeanor against the  
13 state." Do you know, as you sit here today, now that in  
14 fact, James Fletcher is innocent of the 1990 shooting of  
15 Willie Sorrell?

16 MR. STEFANICH: Objection. Form. Foundation.

17 A. Far as I -- far as I'm concerned, yeah, he was  
18 innocent.

19 MR. STARR: Okay. Thank you. No further  
20 questions.

21 FURTHER CROSS-EXAMINATION

22 BY MR. STEFANICH:

23 Q. I have one more. Do you only think now that  
24 he's innocent because you've learned that he has a  
25 Certificate of Innocence?



1           A.     Yeah, I -- I'm quite sure they did some kind  
2 of investigation to find out -- to get a -- a -- a --  
3 they don't just let you out. For things nowadays.  
4 Something -- something, I don't care how small it was,  
5 how big it was. They had to find out something to -- to  
6 give him that. You know.

7           **Q.     So 15 minutes ago, before I asked you about**  
8 **the Certificate of Innocence, did you have an opinion**  
9 **one way or the other whether he was innocent or not?**

10           MR. STARR: Objection. Foundation.

11           A.     I -- I kind of -- you know, if he -- I kind of  
12 figured if he was out, it's something that had to happen  
13 for -- in order for this to be going on, you know?

14 BY MR. STEFANICH:

15           **Q.     So you just --**

16           A.     I'm kind of -- you know, I'm kind of saying  
17 that -- I always, like I said, I never felt 100 -- if I  
18 was 100 percent sure that he was -- he -- that -- that  
19 he was the one, I -- I'd go with it all day. But I  
20 always told everybody I was only -- I was 50 percent,  
21 and that I went to -- only -- I only went to 75 percent,  
22 that's as far as I ever went, because I wasn't for sure  
23 it was him because all the things that was -- that was  
24 going on back then. Yeah.

25           **Q.     So now, as you sit here today and you know**

1 that Mr. Fletcher got out of jail, right? That is part  
2 of the basis why -- strike that. As you sit here today,  
3 are you even 50 percent sure Mr. Fletcher was one of the  
4 offenders.

5 A. Yeah, I'm -- I'm -- I'm -- I'm -- I'm pretty  
6 sure that he wasn't, I'm -- I'm pretty sure now that --  
7 that he was not, you know.

8 Q. And --

9 A. And I didn't think that he went to jail for  
10 something that he didn't do, you know.

11 Q. All right. And that's because Mr. Fletcher  
12 got out of jail, correct?

13 MR. STARR: Objection. Form. Foundation.  
14 Mischaracterizes testimony.

15 A. I'm quite sure he didn't even get out and then  
16 and -- and -- and -- and done it. I'm quite sure of  
17 that.

18 BY MR. STEFANICH:

19 Q. You don't know why he got out of jail?

20 A. No, I don't know why he got out.

21 Q. And you don't --

22 A. But I feel that he had to not -- they had to  
23 find some kind of evidence to show that he did not do it  
24 in order for him to -- you know. And -- and if he -- if  
25 he was in a murder before that, and then in -- in

1 another one, how you going to keep on getting out of  
2 jail to keep on, you know.

3 Q. That's a good question.

4 A. It ain't hard to figure out, you know.

5 Q. Uh-huh. Have you heard of people getting out  
6 of jail based on technicalities?

7 MR. STARR: Objection. Form. Foundation.

8 A. Yeah, I've heard of that, too.

9 BY MR. STEFANICH:

10 Q. Okay. That's a reason people can get out of  
11 jail, correct?

12 A. Yeah.

13 Q. And you don't know if Mr. Fletcher got out of  
14 jail because of a technicality, right?

15 A. No. --

16 MR. STARR: Objection. Form. Foundation.

17 Mischaracterizes the evidence.

18 A. On a technicality back then before he went to  
19 jail. Is my thinking of it, you know.

20 MR. STEFANICH: And -- okay. That's all the  
21 questions I have.

22 MR. STARR: I just have one last question,  
23 sir. Unless Paul has any questions? Sorry.

24 MR. MICHALIK: No.

25 FURTHER DIRECT EXAMINATION

1 BY MR. STARR:

2 Q. Sorry. I saw you packing up. One last  
3 question. Sir, you were just asked about reasons why  
4 you think that Mr. Fletcher's innocent. Do you remember  
5 those questions and giving answers to those questions?

6 A. Yes.

7 Q. Okay. Is one of the reasons you think that  
8 Mr. James Fletcher is innocent of the 1980 shooting  
9 because when you first looked at the photo array you  
10 could not identify him?

11 A. Right. I couldn't -- I could not identify him  
12 until they told me about his lips, to focus on his lips.

13 Q. Okay.

14 A. And that's what I -- basically, to be honest,  
15 that's what I focused on when I went to pick him out of  
16 the lineup.

17 MR. STARR: Okay. No further questions.

18 MR. STEFANICH: Nothing.

19 MR. STARR: Okay. Thanks, Mr. Cooper.

20 THE REPORTER: All right, before we go off the  
21 record, orders for this transcript?

22 MR. STARR: Yeah, let's real quick talk to him  
23 about waive or --

24 THE REPORTER: Okay. So Mr. Cooper, you have  
25 the right to review the transcript once it is

1 complete. You can't make any, like, major changes,  
2 but let's say you said red car, I typed blue car.  
3 You can make that correction. Would you like to  
4 reserve that right today?

5 MR. STARR: Before you answer, just let me  
6 opine on this a little. The -- basically you're  
7 deciding whether or not you want to come back and  
8 review a transcript to make sure that she did her  
9 job correctly. I think everyone here would say  
10 that the Court reporters do their jobs correctly.  
11 So the question is, do you want to come back and  
12 review the transcript and then sign off? Or will  
13 you waive your signature and agree that she did her  
14 job accurately today?

15 THE WITNESS: No. Waiving.

16 MR. STARR: All right.

17 THE REPORTER: All right. Okay. And now  
18 orders for the transcript starting with --

19 MR. STARR: We're going to hold off for right  
20 now.

21 THE REPORTER: Absolutely. Do you know,  
22 Mr. Stefanich?

23 MR. STEFANICH: Nope. I don't need it.

24 THE REPORTER: And you?

25 MR. MICHALIK: No, thank you.

1 THE REPORTER: All right. And orders for the  
2 video?

3 MR. STARR: Nope.

4 MR. STEFANICH: Same.

5 THE REPORTER: All right, we can --

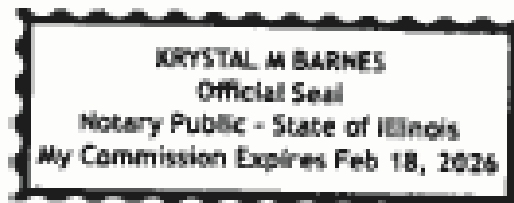
6 THE VIDEOGRAPHER: Ready to go off? We are  
7 off the record. The time is 3:09 p.m. and this  
8 concludes today's testimony given by Edward Cooper.

9 (DEPOSITION CONCLUDED AT 3:10 P.M. (CT))

## 1 CERTIFICATE OF REPORTER

## 2 STATE OF ILLINOIS

3  
4 I do hereby certify that the witness in the foregoing  
5 transcript was taken on the date, and at the time and  
6 place set out on the Title page here of by me after  
7 first being duly sworn to testify the truth, the whole  
8 truth, and nothing but the truth; and that the said  
9 matter was recorded digitally by me and then reduced to  
10 typewritten form under my direction, and constitutes a  
11 true record of the transcript as taken, all to the best  
12 of my skill and ability. I certify that I am not a  
13 relative or employee of either counsel, and that I am in  
14 no way interested financially, directly or indirectly,  
15 in this action.



20  
21

The image shows a handwritten signature in black ink, which appears to be "Krystal Barnes".

22 KRYSTAL BARNES,

23 COURT REPORTER/NOTARY

24 COMMISSION EXPIRES: 02/18/2026

25 SUBMITTED ON: 06/16/2023

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